AGENDA

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 20, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session

The City of Rockwall City Council will recess into executive session to discuss the following matter as authorized by chapter 551 of the Texas government code:

1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)

2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters).

3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Johannesen

VI. Proclamations / Awards / Recognitions

1. Lifesaving Award (06/16/2023) – Rockwall Fire Department, Engine 1 Shift A

- Rodney Caudle – Captain
- Clay Crawford – Firefighter
- Zach Yates – Firefighter

Lifesaving Award (09/29/2023) – Rockwall Fire Department, Engine 1 Shift A

- Rodney Caudle – Captain
- Clay Crawford – Firefighter
- Collin Taylor – Firefighter

2. "Texas Indian Association Recognition Day" Proclamation

VII. Appointment Items

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

VIII. 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. To speak during this time, 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. 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.

IX. Take Any Action as a Result of Executive Session

X. Consent Agenda

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

1. Consider approval of the minutes from the November 6, 2023 city council meeting, and take any action necessary.

2. Consider approval of an **ordinance** updating purchasing policy limits, and take any action necessary. (**2nd Reading)**

3. Consider authorizing the City Manager to engage Portillo, Brown & Hill, LLP as the firm to conduct the City's audit for the fiscal year ending September 30, 2023, and take any action necessary.

4. Consider authorizing the city manager to negotiate and execute a contract with Custard Construction for renovations of office space in the Rockwall Technology Park and issue purchase orders for additional technology, security, and furniture components of the project totaling $640,650 to be funded out of Tenant Finish-out Allowance, General Fund Reserves, Police Seized Fund, and take any action necessary.

5. Consider authorizing the city manager to execute a professional service agreement with Garver, LLC for Water Service Line Inventory in the amount of $59,897.00 to be paid from the Water Operations budget, and take any action necessary

6. **P2023-034** - Consider a request by Billy Duckworth of A&W Surveyors, Inc. on behalf of David Gamez for the approval of a Replat for Lots 2 & 3, Block A, Gamez Addition being a 0.369-acre parcel of land identified as Lot 1, Block A, Gamez Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Neighborhood Residential Overlay (SRO) District, addressed as 614 E, Boydston Avenue, and take any action necessary.

XI. Public Hearing Items

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

1. **Z2023-049** - Hold a public hearing to discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a Specific Use Permit (SUP) for Heavy Manufacturing on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary **(1st Reading).**

2. **Z2023-050** - Hold a public hearing to discuss and consider a request by Keith Green for the approval of an **ordinance** for a Specific Use Permit (SUP) for Guest Quarters/Secondary Living Unit on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary **(1st Reading).**

3. **Z2023-051** - Hold a public hearing to discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport Road, and take any action necessary **(1st Reading).**

XII. Action Items

If your comments are regarding an agenda item below, you are asked to speak during Open Forum.

1. Discuss and consider directing the City Manager to execute a *Facilities Agreement* with Chad Dubose of DA 3009 Goliad Partners, LP allowing the expansion of an existing retention/detention pond on a 9.33-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the terminus of Pecan Valley Drive, and take any action necessary.

2. Discuss and consider a resolution amending the Rockwall Economic Development Corporation (REDC) bylaws, and take any action necessary.

XIII. 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 17th day of November, 2023, at 4:30 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

_____ _____

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

Date Removed

Lifesaving Award

ROCKWALL FIRE

Rockwall Fire Department

takes great pleasure in recognizing with pride and admiration the members of

EN01 "A" Shift
CA Rodney Caudle
FF Clay Crawford
FF Zach Yates

On June 16, 2023 at 3:05 PM the Rockwall Fire Department responded to a reported unconscious person in the 500 block of Ridgeview Drive. The crew from Engine 1 "A" shift arrived alongside a crew from Rockwall County EMS to find a 62 year old male patient laying on the ground. He was pulseless and not breathing. The patient was rapidly assessed, and treatment began in the form of CPR, airway insertion, and Lifepak application. After two shocks from the Lifepak there was a return of spontaneous circulation. He was transported to an area hospital by Rockwall County EMS where he received additional treatment and was released only days later with no neurological deficits.

The crew of Engine 1 "A" shift, along with the crew from Rockwall County EMS demonstrated extraordinary teamwork and determination while taking actions that directly saved a life and are to be commended for their efforts.

Kenneth D Custer
Fire Chief

11/20/23
Date

Lifesaving Award

ROCKWALL FIRE

Rockwall Fire Department

takes great pleasure in recognizing with pride and admiration the members of

EN01 "A" Shift
CA Rodney Caudle
FF Clay Crawford
FF Collin Taylor

On September 29, 2023 at 9:15 PM the Rockwall Fire Department responded to a medical emergency in the 400 block of E. Bourn St. The crew from Engine 1 "A" shift arrived simultaneously with a crew from Rockwall County EMS to find an elderly female bleeding profusely from a dialysis shunt that had become disconnected. Shortly after a tourniquet was applied in an attempt to control the bleeding the patient stopped breathing and became pulseless. CPR was started, and the patient was moved to the ambulance where additional treatment was provided. Due to the rapid intervention provided by both Rockwall County EMS and the crew from Engine 1 "A" shift the patient regained their pulse and began communicating in the back of the ambulance while being transported to an area hospital.

The crews from Rockwall County EMS and Engine 1 "A" shift are to be commended for their professionalism and coordinated, life-saving efforts.

Kenneth D Custer
Fire Chief

11/20/23
Date

Rockwall, Texas

Proclamation

Whereas, the Texas Indian Association (TIA) is a non-profit organization committed to celebrating and preserving the rich cultural heritage of India within our local community; and

Whereas, TIA serves as a bridge to connect the vibrant traditions of India with the diverse fabric of Texas; and

Whereas, TIA aims to promote cultural understanding while engaging in community service and philanthropic initiatives; and

Whereas, TIA hosts a variety of cultural celebrations, including an annual parade to commemorate India's Independence Day, a festive event at which the colors, flavors and traditions of India are on display; and

Whereas, other TIA events, such as the annual Ganesh Chaturthi Celebration, the Diwali Celebration, and monthly Yoga workshops help share the spirit of India, promote the Indian culture, and celebrate beloved Indian traditions; and

Whereas, TIA also collaborates with the local community on philanthropic ventures, such as food drives in support of the Rockwall Helping Hands Food bank and an upcoming free Healthcare Check-up Camp to provide essential health services to those in need.

Now, Therefore, I, Trace Johannesen, Mayor of the City of Rockwall, do hereby proclaim **November 20, 2023** as

TEXAS INDIAN ASSOCIATION RECOGNITION DAY

in the City of Rockwall and urge all residents to applaud the Texas Indian Association for their efforts towards giving back to our local community while celebrating and promoting India and its culture.

In Witness Whereof, I hereunto affix my hand and official seal this 20th day of November, 2023.

Trace Johannesen, Mayor

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, November 6, 2023 - 5:00 PM
City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

II. Executive Session

The City of Rockwall City Council will recess into executive session to discuss the following matter as authorized by chapter 551 of the Texas government code:

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

2. **ACTION ITEM 1.** Discuss and consider status of state law regarding the regulation of Short Term Rentals, and take any action necessary.

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Councilmember Jorif

VI. Proclamations / Awards / Recognitions

1. Military Family Appreciation Month Proclamation

Mayor Johannesen read this proclamation into the record, thanking military families for all they do in support of our country's service men and women.

VI. Open Forum

Mayor Johannensen explained how Open Forum will be conducted and then called the first speaker to come forth to address Council.

Tim Herriage
2701 Whispering Oaks
Rockwall, TX 75032

He shared that his wife and him are long-term members of the community, and they operate five properties within the city that could be considered 'short-term rentals.' Some of those five properties require renters to stay for a period of at least 30 days, so they are more like 'mid-term rentals.' He went on to share real-life stories of renters he has provided housing to for various reasons over time and how they have benefitted those renters who were in need. He urged Council to look at what the City of San Antonio does to require these types of properties to register with the city and to pay their taxes. He urged Council to

consider families who need and benefit from these types of properties.

Glenn Goodrich
608 Christan Court
Rockwall, TX 75087

Mr. Goodrich shared that he lives in the North Shores neighborhood. He recently had an Air B&B open near his home. He has concerns about corporations who buy residential homes and turn them into these types of properties. These companies are run by people who do not live in our city and do not have any vested interest in our city. He believes these companies take advantage of our beautiful community for the sake of filling up a room. He pointed out he is not allowed to open up 'commercial type' business in his home (i.e. a restaurant, a hotel, a carwash, etc.), so a business of this kind should not be allowed to operate out of a home in a residential neighborhood either. He spoke briefly about how these homes are marketed and the adverse impact they have on our city and our city resources (fire, police, etc.).

Greg Rose
1360 Champions Drive
Rockwall, TX

Mr. Rose stated he has lived here since 1987 and has raised four kids here (in The Shores). He has concerns about short-term rentals, especially related to the type of people who are renting them and the friends they are bringing in. These owners have no stake in our community and no concerns about the impacts on our community. He wants to know if Rockwall wants to be a city of tourists or one of family and community. He generally expressed concerns about short-term rentals operating within the city.

Wilson Murphy
209 Tanya Drive
Rockwall, TX 75087

Mr. Murphy shared he is in favor of regulations being put in place for short-term rentals. He has had experiences with a nearby property not pulling permits before starting work, and trash has also been a big problem (especially at 1400 Ridge Road). He has concerns about safety, including related to a gas line that was recently laid at that particular property and the danger it may be posing. He has concerns about these types of properties not paying hotel/motel taxes and not being subject to any sort of inspections (i.e. health-related inspections, fire inspections, etc.). Also, renters don't have background checks conducted on them, which is a safety concern. He has concerns about 18 year olds being able to rent short-term properties and how that age group may be having parties with up to thirty people (many of whom could be minors/juveniles). He generally urged Council to institute rules and regulations to govern these sorts of properties.

Joy Bounds Murphy
209 Tanya Drive
Rockwall, TX 75087

Mrs. Murphy came forth and spoke about the sanctity of a home and quoted a Bible verse from the book of Isaiah. She urged the Council to create guidelines for short-term rentals in order to protect the sanctity of family homes and neighborhoods in Rockwall. She read the City of Rockwall's mission statement for its Neighborhood Improvement Services Department. She believes short-term rentals, even when they are occupied by respectful renters, diminish the quality of neighborhoods because they lack occupants who are 'true neighbors.' She quoted a recent university study that shows that a proliferation of Air B&B's results in

higher rates of crime. She urged Council to help maintain a sense of community in our neighborhoods.

Vernon Glossup
1600 Plummer Drive
Rockwall, TX 75087

Mr. Glossup shared that his residence is located two houses away from an existing short-term rental (at 1475 Plummer Drive). He stated he is not against Air B&B's; however, he is against them being located within single-family, residential neighborhoods. He pointed out that they are 'businesses,' and homeowners' associations do not allow businesses to operate from their homes. He believes their existence in single-family neighborhoods adversely impacts one's ability to sell their home. He has concerns about partiers renting these types of properties, including parking implications on the streets. There are few renters who are respectful, but some are not. The entire neighborhood is impacted by disrespectful renters, and they should not be allowed to exist or operate within neighborhoods. He then passed out handouts for Council to review.

Rella Rogers
1404 Ridge Road
Rockwall, TX

Mrs. Rogers shared that these types of properties (Air B&B's) are businesses, and – as such – they need regulations in place. The one near her home is rented up to 16 people at a time. Renters there have resulted in many calls to the police, including loud noise as well as trash-related concerns. She urged the City of Rockwall to up its game and do everything possible to institute clear regulations as soon as possible. She urged Council to protect the homeowners of Rockwall – the taxpayers and the ones who have a vested interest in our city. There are already problems happening with short-term rentals, and she urged the Council to take action to regulate them.

Terri Nevitt
201 Becky Lane
Rockwall, TX 75087

Mrs. Nevitt gave Council some handouts to review. She then shared that there are a minimum of 10 Air B&B's within a quarter mile of her home. She pointed out that this is not a theoretical problem. It is a real problem, and it's especially problematic that they are not regulated. She went on to suggest various ways that the city might regulate these types of properties (i.e. limit on number of renters, limit on number of parking spaces they're allotted; requirement to pay hotel/motel taxes; lighting restrictions; restrictions on hours (i.e. for the swimming pools)). She generally urged Council to institute regulations.

M. Toni Humes
624 Courageous Drive
Rockwall, TX 75032

Mrs. Humes shared that she has lived in Rockwall since 1972. She has two short-term rentals in her immediate neighborhood, both of which have posed crucial detriments to her and her family. She urged Council to only allow these types of businesses in 'commercial' areas and not allow them within residentially zoned areas. The noise emitting from these properties is not regulated. Trash is concerning. Security is concerning. Neighbors become 'un-neighborly' regarding short-term rentals. She wants regulations put in place to help ensure safety and the mental health for (permanent) residents living in our neighborhoods. These types of properties are not desirable within residential neighborhoods. They cause

neighborhoods to become unhealthy within a very short period of time.

Norma Muncy
1330 Champions Drive
Rockwall, TX 75087

Mrs. Muncy shared that she is 82 years old and her husband is 85 years old, and he was born in Rockwall. They have lived here 'forever.' She and her husband walk 3 miles per day in their neighborhood. Garbage at short-term rentals is piled high all the time. A young couple next door brought their dream home backing up to a golf course, and it was great until a short-term rental opened up next door. The short-term rental is like a 'Motel 6,' and the young couple has encountered numerous, nightmarish problems as a result of it opening and operating next to them. The Shores neighborhood used to be a beautiful place to be, but it is no longer because of the short-term rentals.

Greg Oehler
207 Tanya Drive
Rockwall, TX 75087

Mr. Oehler pointed out that several citizens have come forth this evening to share concerns about the negative impacts short-term rentals have on them and their neighborhoods. They are in fact businesses. One property he is aware of had to have major issues addressed because of it not being properly maintained. If someone is living next door to a poorly maintained short-term rental, their ability to sell their home is likely challenging. He spoke about the costs and risks to the city, pointing out that short-term rentals result in a loss of revenue and economic development for the city. He believes these properties could very easily be regulated. He pointed out the city's Unified Development Code already prohibits 'businesses' operating within a residential neighborhood. He stated that if the city enforces one portion of its UDC and not another, then it is opening up a can of worms as far as potential litigation is concerned.

Kathryn Oehler
207 Tanya Drive
Rockwall, TX

She shared that her family has lived in Rockwall since 1990 and they have grown children who are now in their 30's. She believes in teaching her kids to leave things better than when they found them. She pointed out that homes for sale on the market are being bought up by high-bidding corporations who are buying up residential properties to turn them into short-term rentals. This is resulting in an entire, younger generation not being able to enjoy owning their own homes (because of the competition and the greed). She has concerns about these types of properties.

Sandra Solomon
1635 Shores Boulevard
Rockwall, TX 75087

Mrs. Solomon shared that she is tired of hearing statements like 'wait and see what the city does,' or 'wait and see what the state does.' She and her husband moved here in 1988 and chose a home in The Shores neighborhood for many reasons. She pointed out that there have been several changes to her neighborhood, the golf course and the city over time. She has no desire for a motel to locate next to her home. She shared that these types of properties (short-term rentals) are not the same as a neighbor next door having parties. She is not sure that short-term renters have the same concerns as permanent residents have (i.e. related to garbage being left out all week; loud noise that results in babies not being

able to sleep). She shared that she has overseen the 'dues' for her HOA for over 20 years. Now, with these types of properties, she is having to converse with strangers. She shared that short-term renters do not care about safety-related concerns (i.e. fire trucks not being able to pass through the street). She does not approve of Air B&Bs being in single-family neighborhoods. It is not fair, and rules need to be put in place.

Judy Dickson
205 Meadowdale Drive
Rockwall, TX 75087

Mrs. Dickson shared that she has been here in the same home since 1977. She has concerns about short-term rentals being located within residential neighborhoods because they are commercial businesses / enterprises. She went on to express various concerns about these types of properties and the negative aspects and impacts they have on the adjacent, nearby homes. She believes that regulations should be put in place by the City. She quoted some things out of the TX Property Code and the TX Tax Code, pointing out differences between short-term rentals and regular single-family home properties. She wonders what positive benefit short-term rentals have, and she believes they do not contribute positively to our city.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that very few Air B&B's actually provide breakfast. He stated that his Stonecreek Estates neighborhood has regulations in place that allow no rentals that are less than 30 days in duration. He urged the City to come up with regulations to help address some of the problems that come with short-term rentals. He does not believe that these can be outright banned; however, he urged Council to institute a rule that all rentals must be for a minimum of 6 months in length, and then fine them if they do not adhere.

Paulette Weddle
1601 S. Alamo
Rockwall, TX 75087

Mrs. Weddle shared that Plano may have just banned short-term rentals for a period of one year. She suggested Council consider banning them or putting a moratorium in place to allow a committee to be formed to come up with ideas for how to regulate these businesses. Perhaps the city's Planning Director, legal counsel and citizens could help serve on such a committee. She shared that she was frightened on the morning of October 29 recently. The home at 1400 Ridge Road is located right behind her home, and she heard the renters back in to the driveway after midnight and make their way down to the party barn on the property. They left about 4:25 a.m., and it scared her. Having no regulations results in pretty scary situations.

Amy Herbst
1509 South Alamo Road
Rockwall, TX 75087

Mrs. Herbst came forth and shared some photos taken on October 21, including pictures of the lit up 'party barn' at 1400 Ridge Road. Multiple cars were coming up and down the alleyway, and – at the same time – at the party barn, loud noises were being emitting (loud talking and reveling until the police came out and quieted them down). A lot of vehicles and people were coming and going at that home between midnight and after 4:00 a.m., and it was unsettling and scary to her and her neighbors. She pointed out that the trash that was left behind was notable, and racoons got into it and scattered it around. She showed multiple

pictures of what she and her neighbors are experiencing due to the short-term rental at 1400 Ridge Road.

Erica Lyle
1603 S. Alamo Road
9605 Arden Drive
Rockwall, TX 75087

Mrs. Lyle shared that the Alamo home is diagonally across from the short-term rental at 1400 Ridge Road. She pointed out how close the short-term rental is right on the property line of Amy Herbst's property, and all of that activity between midnight and 4 AM is right by where she is living and trying to sleep (her bedroom window). With short-term rentals, who knows who is coming across our nation's borders – they may be staying in short-term rentals in our communities, feet from our backyards. Who are the people who are renting out short-term rentals? These sorts of things are concerning. She thanked Council for listening to the various speakers, expressing that they really do appreciate an opportunity to be heard. When Ridge Road was rezoned as "Commercial-Residential" about 14 years ago, that was concerning. She asked Council to be very specific about how those types of properties are regulated.

Madison Lyle
1603 South Alamo Road
Rockwall, TX

Mr. Lyle shared that he and his wife are currently remodeling the home on Alamo, and they plan to move back into it full-time after it is remodeled. He is very angry about living in a residential home where a party barn is located right behind their family's home. Having partiers and trash and loud noises until 4:00 in the morning is ridiculous. He is irate but is trying to maintain his composure. He feels sorry for all of his neighbors. He urged Council to "vote this down with prejudice." He has used Air B&B's himself when he's been on vacation, so maybe he is a hypocrite.

There being no one else wishing to speak, Mayor Johannesen thanked everyone for coming forth to speak and express their concerns. This is part of open, transparent government.

VIII. Take Any Action as a Result of Executive Session

Councilmember Moeller moved to appoint Mrs. Revi Menasche to replace Stephen Colon on the city's Main Street Advisory Board for an unexpired term thru January of 2025. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. Consent Agenda

1. Consider approval of the minutes from the Oct. 16, 2023 city council meeting, and take any action necessary.

2. **Z2023-045** - Consider a request by Cari Foote of CFPC Investments, LLC for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] for the purpose of allowing the *General Personal Services* land use by Specific Use Permit (SUP) for all properties within the district, being a 21.266-acre tract of land situated within the S. S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District,

generally located along N. Goliad Street [*SH-205*] north of Olive Street and south of Live Oak Street, and take any action necessary **(2nd Reading)**.

3. **Z2023-046** - Consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary **(2nd Reading)**.

4. **Z2023-048** - Consider a request by Clay Cristy of ClayMoore Engineering on behalf of Staci Bowen of Metroplex Acquisitions for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. HTeaO*) on a 0.93-acre portion of a larger 5.16-acre parcel of land identified as Lot 13, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of N. Goliad Street [*SH-205*] and Bordeaux Drive, and take any action necessary **(2nd Reading)**.

5. **P2023-031** - Consider a request by Michael Hunter for the approval of a *Final Plat* for Lot 1, Block A, Hunter Addition being a 0.631-acre tract of land identified as Lot 1, Block A, Barz Acre Addition and Lot 1, Block 1, Reeves Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 220 W. Quail Run Road, and take any action necessary.

6. **P2023-032** - Consider a request by Matthew Peterson of DB Constructors, Inc. on behalf of Jeff Fleming of Jeff Fleming Investments, LLC for the approval of a *Final Plat* for Lots 1 & 2, Block A, Interstate Classic Cars Addition being a 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and take any action necessary.

7. **P2023-033** - Consider a request by Aaron Davis of John King, LLC for the approval of a *Final Plat* for Lot 1, Block A, John King Office Park being a 2.361-acre tract of land identified as Tract 1-2 of the W. H. Baird Survey, Abstract No. 25, City of Rockwall, Rockwall County, Texas, zoned Planned Development 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 1940 S. John King Boulevard, and take any action necessary.

8. **P2023-035** - Consider a request by Drew Donosky of ClayMoore Engineering on behalf of Chase Cooley of 1540 East IH-30 Rockwall, LLC for the approval of a *Replat* for Lot 3, Block 1, Rockwall Recreational Addition being a 4.39-acre parcel of land identified as Lot 2, Block 1, Rockwall Recreational 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.

9. **P2023-036** - Consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Jon Bailey of Helping Hands Rockwall for the approval of a *Final Plat* for Lot 1, Block A, Helping Hands Addition

being an 9.70-acre tract of land identified as Lot 1, Block A, Waggoner Gardens Inc. Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 950 Williams Street, and take any action necessary.

10. **P2023-037** - Consider a request by Cameron Slown, PE of Teague, Nall, and Perkins, Inc. on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of a ***Replat*** for Lots 17-24, Block 1, Alliance Addition, Phase 2 being a 3.06-acre tract of land identified as Lots 12-14, Block 1, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, generally located at the northeast corner of the intersection of Andrews Drive and Alliance Drive, and take any action necessary.

12. Consider authorizing the City Manager to execute a purchase order with Nema Electric in the amount of $85,134.00 for the installation of LED light in fountain and basins of The Harbor to be funded out of Harbor Operating Budget (this is an approved 2023-2024 budget request), and take any action necessary.

13. Consider authorizing the City Manager to execute a purchase order with Custard Construction Services in the amount not to exceed $32,200.00 for the installation of insulation in the Park Building at the Service Center to be funded out of Parks Operating Budget (this is an approved 2023-2024 budget request), and take any action necessary.

14. Consider authorizing the City Manager to execute a contract for professional engineering services with Birkhoff, Hendricks and Carter LLP to perform the water/wastewater impact fee update and to update the Master Water/Wastewater Plans in an amount not to exceed $180,000 to be funded out of the Sewer Department Operation Budget, and take any action necessary.

15. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter L.L.P. for engineering services for the Mims Elevated Water Storage Tank in the amount of $691,600.00 to be paid for out of the Water and Sewer Bond Funds, and take any action necessary.

16. Consider awarding a bid to Silsbee Ford for the purchase of model year 2024-25 vehicles for a total amount of $133,726 to be funded by Water and Sewer Operating Budgets, as well as authorizing the City Manager to execute associated purchase orders, and take any action necessary.

17. Consider authorizing the City Manager to execute a grant agreement with the Texas Department of Transportation Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

18. Consider authorizing the City Manager to execute a contract with UTA in the amount not to exceed $70,000.00 to provide a musician/artist for the 2024 Founders Day Festival at Harry Myers Park to be funded out of Hot Funds (this is an approved 2023-2024 Hot Fund request), and take any action necessary.

19. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter L.L.P. for engineering services for the Southside Elevated Water Storage Tank Rehabilitation in an amount of $83,600.00 to be paid from Water Operation Budget, and take any action necessary.

20. Council consider authorizing the City Manager to execute a contract for the emergency repairs for

the Squabble Creek Lift Station Pump with Pump Solutions, Inc., in an amount not to exceed $43,706.00, to be funded from Sewer Operations Budget, and take any action necessary.

21. Consider awarding a bid to Rockdale Country Ford for a new (Fire Marshal Department) vehicle in the amount of $50,330.00 to be funded by the Fire Marshal Operating Budget, including authorizing the City Manager to execute associated purchase order(s) for the vehicle, and take any action necessary.

22. Consider approval of Hotel Occupancy fund to Rushcreek Yacht Club in the amount of $3,000, and authorize the City Manager to execute the contract, and take any action necessary.

23. Consider approval of an ordinance updating purchasing policy limits, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [*ORDINANCE NO. 17-19*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW AN *GENERAL PERSONAL SERVICE* LAND USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) WITHIN THE SUBJECT PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 23-61
SPECIFIC USE PERMIT NO. S-318

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [*ORDINANCE NO. 02-14*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS LOT C, BLOCK 112, B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 23-62
SPECIFIC USE PERMIT NO. S-319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *RESTAURANT WITH LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN* ON A 0.93-ACRE PORTION OF A LARGER 5.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 13, BLOCK A, STONE CREEK RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS *($2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 23-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO. 04-18 AND ESTABLISHING GENERAL AUTHORITY FOR PURCHASING POLICIES FOR THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. Action Items

1. Discuss and consider status of state law regarding the regulation of Short Term Rentals, and take any action necessary.

City Attorney, Frank Garza, came forth and provided a lengthy, detailed presentation regarding short-term rentals, including details concerning state level legislation that has been introduced yet not passed as well as litigation / court cases pertaining to the subject.

Councilmember Campbell sought clarification on the zoning pertaining to short-term rentals. Mr. Garza pointed out that many court cases have ruled that short-term rentals are not considered 'commercial' in nature and cannot be zoned as such. They are and continue to be considered 'residential' in nature.

In response to Councilmember Jorif seeking further clarification, Mr. Garza explained that HOAs have to have had deed restrictions in place already. Then, HOAs can take proper steps to amend deed restrictions in order to try and prohibit short-term rentals. He indicated that most deed restrictions require 75% of homeowners to be on board with passing deed restriction amendments.

Councilmember McCallum shared that the topic of short-term rentals ("STRs") has been brought up in the past, prior to him coming onto the city council, and no action has been taken thus far. He then sought clarification on the possibility of putting some sort of regulations in place related to STRs.

Mayor Johannesen pointed out that any regulations the city might put into place have to apply to every property throughout the city. He also pointed out that the city already has regulations in place to deal with things like noise and sanitation related concerns.

Councilmember McCallum shared that he loves to stay in an Air B&B each time he travels to Santa Fe. He went on to encourage residents to continue to be active, especially when it comes to their state representatives and legislation related to STRs. He is conservative and believes in property owner rights, but not at the expense of other people.

Councilmember McCallum went on to make a motion to direct staff and the city attorney to come back to Council with a set of proposed regulations to handle things like registration, safety inspections, fire safety, and some of the other suggestions this evening so that the council can consider them related to short-term rentals. Councilmember Jorif seconded the motion, agreeing that we need regulations in place, especially related to health and safety. Councilmember Lewis stated he will go and read the City of San Antonio's regulations. He also pointed out he would like to see some things like 'distance requirements' relative to short-term rentals. Councilmember Moeller shared he would like to see things like commercial insurance for these 'commercial' properties. Councilmember Thomas pointed out that, despite a lot of the negative comments and impacts of short-term rentals, there are also many benefits (i.e. when a local resident has a home flood and needs a place to go; home remodeling going on that requires short-term relocation). Having said that, he does believe the city can do some things to try and ensure that some regulations are put in place. Mayor Johannesen shared that he and his family are currently staying in a short-term rental because they had a pipe burst in their home. Having said that, he and the couple they are renting from are in favor of some sort of regulations being put into place. Councilmember Campbell also expressed support for some sort of regulations to be put in place.

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

2. Discuss and consider a status update from the Rockwall Area Chamber of Commerce regarding Hotel/Motel Occupancy Tax ("HOT") funding received, and take any action necessary.

Jodi Willard, Director of Tourism at the Chamber, came forth and shared that she has been working for the local Chamber of Commerce since June. She is focused on helping promote the city for the betterment of businesses and residents of Rockwall. She indicated that the Chamber is currently working to develop a strategic plan. She went on to share the various ways in which she and the Chamber are involved in marketing efforts, especially through social media outlets (Facebook, Instagram and Linked-In) but also through 'print' related efforts, a digital billboard along IH-30, and television (i.e. WFAA TV's "Family First" program).

Councilmembers Lewis, Thomas and Campbell provided brief, positive comments pertaining to the Chamber's staff members and their efforts related to positively promoting Rockwall. No action was taken by Council following Ms. Willard's presentation.

3. **MIS2023-014** - Discuss and consider a request by Alan M. Jacob of Car Wash Pro Designers on behalf of Jim Dunn for the approval of a *Miscellaneous Case* for a *Variance* to the underground utility requirements in conjunction with a proposed car wash on a 6.17-acre tract of land identified as Tract 3-09 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10), generally located at the

northwest corner of the intersection of John King Boulevard and SH-276, and take any action necessary.

Mr. Miller, Planning Director, provided background information concerning this item. He indicated that it is located on the northwest corner of John King Boulevard and SH-276. The applicant is requesting a variance to the utility requirements to allow the existing overhead power lines to remain in place (instead of being required to place them underground). In considering this request, staff noted that in previous cases for similar requests, the City Council and Planning and Zoning Commission have not approved variances relating to the undergrounding of utilities due to the potential of creating a precedence; however, in August 2022 the City Council did grant the Rockwall Economic Development Corporation (REDC) [i.e. Case No. MIS2022-011] a variance allowing the delay of undergrounding certain utility distributing lines along SH-276 between John King Boulevard and Rochelle Road, and a waiver to the underground utility requirements for a non-residential subdivision [i.e. Creekside Commons Subdivision] at the southeast corner of FM-1139 and SH-205 [Case No. MIS2022-010]. The waiver for the Creekside Commons Subdivision was granted due to the costs associated with the undergrounding of the distribution lines along SH-205 and FM-549. With this being said, requests for variances are considered on a case-by-case basis at the discretion of the City Council pending a recommendation from the Planning and Zoning Commission. On November 1, 2023, the Planning and Zoning Commission reviewed the applicant's request and approved a motion to recommend approval by a vote of 4 - 0, with Commissioners Deckard, Conway, and Llewelyn absent. This request will require a super majority vote of Council in order to for the variance to be approved.

Alan Jacobs (applicant) out of Chicago, Illinois, came forth and addressed the Council at this point. He pointed out that his request for this utility-related variance is described in detail in his request letter. He believes that all adjacent properties have utilities located overhead. So, if he is required to place utilities underground, his property would be the 'odd man out.' He pointed out that placement of the utilities underground presents a very costly investment (somewhere around a half million dollars to do so). So, this is cost prohibitive for him / his client.

Mr. Miller clarified that three, previous requests have been made for waivers to underground placement of utility lines, and he clarified how the Council voted regarding those past requests.

Mayor Johannesen pointed out that Council is not in the business of solving math problems when a developer cannot afford to abide by city requirements.

City Manger Mary Smith commented on the city's requirements to have utilities placed underground and the challenges that poses for areas along TXDOT (state-owned) roadways. She shared that there is no way for utilities to go underground until which time as development occurs. So, you end up with 'piece meal.' This business really would be the only one in that entire segment of roadway with the utilities placed underground. She shared that the REDC is considering coming before Council to ask for a variance on underground utilities because they are facing a price tag of somewhere around $10 million dollars. So, the city is going to have to evaluate underground utilities along state roadways, as neither TXDOT nor Oncor will spend money to 'underground' them. In areas where development has already occurred and utilities are already above ground, those areas will continue to have them above ground unless or until the city goes in and spends tax dollars to place them underground, something she believes the city is generally not willing to do.

Councilmember Thomas shared that, from the beginning, the applicant has been told by staff that the underground utilities would be required. Mr. Jacobs shared that, yes, that was conveyed, but they just

recently found out the estimated cost. Mr. Jacobs shared that burying electric utility lines pose safety concerns. Mayor Johannesen expressed the belief that the possibility of underground lines posing safety concerns is not backed by data.

Councilmember McCallum shared that it's not the city council's job to solve math problems, and he was on the Council that previously created planned development districts. His vision back then and his vision now is that development is controlled and that utility lines are to be placed underground. He pointed out that the Rockwall Economic Development Corporation did not ask for an outright variance. They were only granted additional time to eventually place them underground. If the REDC had asked for an outright variance, he would not have been in favor of that either.

Councilmember Jorif provided brief comments and then made a motion to deny MIS2023-014. Councilmember Moeller seconded the motion, pointing out that a 7-11 store was required to put their lines underground. Following brief comments, the motion to deny passed by a vote of 7 ayes to 0 nays.

4. **MIS2023-016** - Discuss and consider a request by Ryan Joyce of Michael Joyce Properties for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for the Peachtree Subdivision being a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary.

Mr. Miller, Planning Director, provided background information related to this agenda item. With this development application, the applicant is requesting an Alternative Tree Mitigation Settlement Agreement for the Peachtree Subdivision. The Peachtree Subdivision was established by the City Council on March 6, 2023 through the adoption of Ordinance No. 23-11 [Planned Development District 101 (PD-101); Case No. Z2023-003]. According to this Planned Development (PD) District ordinance, the Peachtree Subdivision is a 140.50-acre residential subdivision that will consist of 292 residential lots with a gross density of 2.08 dwelling units per acre. These lots will consist of four (4) lot types - [1] 32, Type 'A' lots that will be a minimum of 82' x 120' (or 9,000 SF), [2] 98, Type 'B' lots that will be a minimum of 72' x 120' (or 8,400 SF), [3] 105, Type 'C' lots that will be a minimum of 62' x 120' (or 7,200 SF), and [4] 57, Type 'D' lots that will be a minimum of 52' x 120' (or 6,000 SF). In addition, the development will consist of a total of 65.90-acres of open space that includes a 0.90-acre amenity site, 21.10-acres of private open space, and 43.90-acres of floodplain. Currently, the subject property remains undeveloped, and the applicant has received approval for a Preliminary Plat [Case No. P2023-017] and a Master Plat [Case No. P2023-016]. Based on the most recent aerial image, the subject property has a thick tree canopy, the majority of which is located within the 100-year floodplain. According to the applicant's letter, the Alternative Tree Mitigation Settlement Agreement is being requested "(d)ue to changes in the tree ordinance on how cedar trees are counted, [and based on this] there is an exponential amount of work in documenting all trees on the property." On October 3, 2022, the City Council approved Ordinance No. 22-54 [Case No. Z2022-043], which changed the tree mitigation requirements for cedar trees. Specifically, under the previous tree mitigation requirements cedar trees were counted at a rate of ½-inch for every one (1) inch removed for cedar trees 11-inches or greater in size. Under the new tree mitigation requirements, cedar trees require four (4) caliper inches of mitigation for every cedar tree removed that is eight (8) feet or greater in height. In the applicant's letter, they have provided the following estimates for the tree mitigation required for the cedar trees on the subject property based on the previous tree mitigation ordinance and the current tree mitigation

ordinance: In staff's conversations with the applicant, the applicant has indicated that there would be a substantial cost associated with having the trees surveyed and marked on the subject property in accordance with the requirements of the new ordinance. In lieu of performing a tree survey, the applicant has indicated a desire to pay the City the costs that would be incurred with the tree survey, in addition to the estimated tree mitigation, and some additional mitigation measures. In addition, to the above mitigation proposal the applicant has also agreed to designate and preserve a one (1) acre tract of the Blackland Prairie. As the City Council and Planning and Zoning Commission may recall, this was originally requested by City staff as part of the original zoning case for Planned Development District 101 (PD-101); however, the applicant had indicated at that time that based on the floodplain and lots needed to meet their proforma they were unable to commit to the preservation during the zoning case. Through the design process the applicant's drainage and detention area was able to be adjusted to allow for the one (1) acre dedication. If this case is approved by the City Council, this dedication will be required to be shown on the subdivision plat for the subdivision (see Figure 3). Staff should note that the applicant's request will be above and beyond the requirements of Ordinance No. 23-11, and that the applicant will be required to provide [1] the 50-foot landscape buffer with berm and two (2) rows of staggered cedar trees along the eastern property line, and [2] a 30-foot tree preservation easement along the southern property line in accordance with the zoning ordinance. In addition, the applicant will be required to hold a Tree Transplanting Day, and -- based on the proposed agreement -- will not receive any additional benefit from trees that are transplanted by residents during this event (i.e. the applicant cannot account for additional mitigation resulting from trees removed from the property during the event).

The City's Planning & Zoning Commission recently heard this case and voted 4 – 0 (with 3 commissioners being absent) to recommend approval of this request.

Ryan Joyce, the applicant, then came forward and provided a brief presentation to Council concerning this request. He showed a photo of some of the trees he is desiring to take out, pointing out that the property has been vacant for so long that there is severe overgrowth of trees, which are mainly 6" in caliber but are over 8' tall. He also showed his proposed 'treescape plan,' pointing out that they have done all they possibly can to work with the site.

Councilmember Thomas expressed that he likes that the applicant is including a dedication of part of the Blackland Prairie.

Brief comments were made by Councilmember McCallum regarding the amenities center.

Councilmember Moeller asked if the developer could add some sort of signage about the Blackland Prairie, and Mr. Joyce shared that they can do so.

Councilmember Thomas moved to approve MIS2023-016. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 nay (McCallum).

5. Discuss and consider approval of a resolution providing for the casting of votes and submission of the official voting ballot to the Rockwall Central Appraisal District (CAD / RCAD) for the 2024 - 2025 Appraisal District Board of Directors, and take any action necessary.

City Manager, Mary Smith provided brief comments pertaining to the ballot, which has been included in the informational meeting packet this evening.

Councilmember Thomas moved to split all of the city's (380) votes evenly (76 votes per candidate) on the

Board of Directors ballot submission to the Rockwall Central Appraisal District (RCAD). Councilmember McCallum seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.

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

Mrs. Smith reminded Council that a lot of events are coming up over the course of the coming weeks, so please be watching for staff's communication regarding those events.

XII. Adjournment

Mayor Johannesen adjourned the meeting at 8:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 20th DAY OF NOVEMBER, 2023.

_____
TRACE JOHANNESEN, MAYOR

ATTEST:

_____
KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 23-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO. 04-18 IN ITS ENTIRETY; ESTABLISHING GENERAL AUTHORITY FOR UPDATED PURCHASING POLICIES FOR THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Rockwall Ordinance No. 04-18, passed and approved on April 5, 2004, established the general authority for purchases and contract authority for the City Manager for anything less than twenty-five thousand dollars ($25,000); and

WHEREAS, in an effort to streamline office operations and be responsive to the needs of the of the citizens of Rockwall, it is imperative that the City's purchasing procedures be updated; and

WHEREAS, it is the goal of the City to be responsive to the meeting the needs of the City while at the same time complying with all applicable state laws regarding procurement and purchasing; and

WHEREAS, because of the increase of costs to good and services, it has become necessary to update the City's purchasing procedures and update contractual authority; and

WHEREAS, the City will still have the following safeguards: expenditure of funds would have to be in the Council's approved budget; expenditure of funds must still comply with state law; the City has a yearly audit and the expenditure and authorization of funds could be reviewed by the outside Auditor;

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

SECTION 1. Ordinance 04-18 is hereby repealed in its entirety and is replaced by this ordinance; and

SECTION 2. All procedures established shall comply with State laws regarding municipal purchasing procedures and the following general guidelines:

- **A.** Purchase Order Limit of $500 - Purchases of $500 or more shall be made with a Purchase Order, of which a Purchase Order number will be assigned by the Finance System Software.
- **B.** Purchases greater than $500 - Shall be authorized by the Department Director or Designee.
- **C.** Purchases greater than $500 but less than $50,000 - Shall be approved by the Department Director or Designee and the Director of Finance or City Manager.
- **D.** Purchases $50,000 and greater - Shall be awarded by the City Council and authorized by the Department Director, Director of Finance and City Manager.
- **E.** Contracts greater than $50,000, will require a formal procurement under Chapter 252 of the Texas Local Government.

SECTION 3. The following purchasing circumstances shall be authorized by the City Manager. Each of these purchase requests will be forwarded to the City Manager for review and consideration. Should the City Manager approve the purchase, then the purchasing policy in Section 1 will be adhered to.

A. Request for Capital Purchase not approved in the City budget.
B. Request for Capital Purchase cost will exceed the approved budget amount.
C. Request for any purchase that would cause the Department expense line item to exceed 100 percent of the budget threshold.

SECTION 4. Chapter 252 of the Texas Local Government Code requires formal procurements for any contract costing $50,000 or more, unless it falls under an exception recognized by Chapter 252. The amount identified in Sections 1 D and 1 E of this ordinance will be tied to the amount in Section 252.021. If the amount for formal procurement is amended by the Legislature, therefore Sections 1 D and 1 E will be amended to reflect the revised state law amount.

SECTION 5. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 6. REPEALER. All ordinances, resolutions, and code sections in conflict herewith are repealed to the extent of such conflict. The municipal court established pursuant to the general law is abolished in the manner prescribed thereby and all pending cases transferred to said court which shall assume jurisdiction thereof.

SECTION 7. SEVERABILITY. If any provision of this code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8. EFFECTIVE DATE. The ordinance shall be effective immediately following its approval by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 20th DAY OF NOVEMBER, 2023.

Trace Johannesen, Mayor

ATTEST

Kristy Teague, City Secretary

APPROVED AS TO FORM

Frank J. Garza, City Attorney

1st Reading: 11-06-2023

2nd Reading: 11-20-2023

City of Rockwall
The New Horizon

MEMORANDUM

TO: **Mayor and City Council**

FROM: **Mary Smith, City Manager**

DATE: **November 17, 2023**

SUBJECT: **Select Audit Firm**

The City Charter requires an audit be performed at the end of each fiscal year, with the audit firm to be rotated every 4 years.

City staff requested proposals for audit services. We advertise in the paper of record as we would with any other bid process and also have firms which have specifically requested to be notified when the RFP for audit services is issued.

Proposals were received and interviews conducted including a review of the timing of fieldwork and the ability to produce the annual report by no later than March 31st of each year. We also ensured all staff are registered with the State Board of Public Accountancy and offer a significant number of individual years of experience in the audit of local governments.

Portillo, Brown & Hill of Waco Texas has been selected to perform the Independent Auditing services and preparation of the City's Annual Comprehensive Financial Report (ACFR). PH&B references were all positive including Rockwall County where they have performed the audits in a timely manner for many years. They included 50 cities of sizes large and small as well as 31 counties and numerous school districts and COGs.

The annual audit expense is included in the operating budgets of the General Fund, W/S Fund with smaller amounts in the EDC and RTPA budgets. PB&H proposed the following rates which are in line with budget estimates.
FY2023 $60,170
FY2024 $61,980
FY2025 $63,840
FY2026 $65,750

Their proposal included a fifth year but the City's Charter requires rotation after 4 years as mentioned above.

After interviews and extensive review of references, staff proposes the City Council authorize the City Manager to engage the firm of Portillo, Brown & Hill L.L.P. to conduct the audit of the City's financial statements beginning with the year ended September 30, 2023. The firm will prepare the City's ACFR and present it to the City by March 31st.

City of Rockwall
The New Horizon

MEMORANDUM

TO: **Rockwall City Council**

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

DATE: **November 17, 2023**

SUBJECT: **Contract with Custard Construction Services**

At its meeting on October 16, 2023, the City Council authorized the city manager to negotiate and execute a lease agreement with JBC Land and Cattle Company for office space in the Rockwall Technology Park as well as a project budget for retrofitting the building for the Rockwall Police and Fire Departments.

There will need to be some modifications to the new space in order to separate the fire and police departments and secure areas shared among the departments. Security and technology upgrades will need to be made as well. Custard Construction has been selected to perform the necessary changes, which include the addition of walls, new paint, electrical, data cabling, fire protection, carpet repairs, moving / installation of doors and frames, and parking lot striping. The City has used Custard Construction for other projects in recent years and they performed well with renovations to City Hall, The Center, and the Municipal Service Center.

The City will use its existing vendors to complete access control and security measures along with IT network installation. The proposed project budget is:

Custard Construction -	$213,725
Contingency -	$25,000
Security Measures / Cameras / Access Control –	$219,925
New Furniture – CID/Comm Svcs/ Conf Rms/Breakroom	$100,000
Technology (Data / Phone / Voice) -	$50,000
Moving Existing Furniture / Bldg. Supplies -	$20,000
Miscellaneous Cleaning and Appliances	$12,000
Total:	**$640,650**

Funding Sources:

Owner's Tenant Finish Out:	$75,000
General Fund Reserves:	$365,650
Police Seizure Funds:	$200,000
Total:	**$640,650**

Chief Fowler has proposed to fund the bullet resistant measures, security cameras, and the faraday room in the amount totaling $200,000 from Police Department Seizure Funds.

There was initial anticipation that the current tenant in the space may leave some furniture to be used by police and fire personnel. However, staff learned earlier this month that all furniture was going to be removed by the current occupant. It is proposed to purchase new cubicles for the Criminal Investigations Division and Community Services Division, furniture for three conference rooms, and break room tables and chairs in the amount $100,000 from general fund reserves. The remainder of the office modifications, technology, and access control, etc. will be funded from a combination of owner provided tenant finish-out allowance and general fund reserves.

The current occupant of the space will be moved out on November 30, 2023 and we will begin modifications to the facility, which is anticipated to require up to four months to complete.

The City Council is asked to consider:

1. Appropriating funds from General Fund Reserves in the amount of $365,650 and $200,000 from Police Department seized funds for the project; accepting and appropriating $75,000 of Tenant Improvement allowance; amending the Internal Operations Department operating budget totaling $640,650.
2. Authorizing the City Manager to negotiate and execute a contract with Custard Construction for renovations of the office space in the Rockwall Technology Park
3. Authorizing the City Manager to issue purchase orders for the additional security, technology, and furniture components of the project.

Staff will be available to answer any questions.

City of Rockwall
The New Horizon

MEMORANDUM

TO: **Mary Smith, City Manager**

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

DATE: **November 20, 2023**

SUBJECT: **Proposed Service Agreement for Lead and Copper Rule Revisions**

On December 16, 2021, the EPA adopted new regulations to the Lead and Copper Rules Revisions (LCRR), with a compliance date set for October 16, 2024. The new rules and regulations require water systems to inventory all services, mains, and private water lines from the City's connection to homes and buildings to determine if lead lines are present. Inventory requires the City to determine if any galvanized pipes are connected or had previously been connected to lead lines in the past. The inventory and water quality assessment report were completed this year.

Water systems must complete two other actions by the LCRR's October 16, 2024, compliance date: Lead Service Line Replacement Plan (LSLR) and a revised Tap Sampling Plan (TSP) for residents and the addition of sampling at schools and daycares. The LSLR plan would describe the system's procedure to conduct lead service line replacements under the LCRR. The TSP would identify the locations and methods for systems to conduct tap sampling following the LCRR.

The Water Division of Public Works is proposing assistance from a consulting firm to complete these final tasks to meet the requirements of the new LCR rules by October 16, 2024.

Phase I $271,429 (FY 2023) - *Completed*
Phase II $59,897 (FY 2024)

Staff requests the City Council consider authorizing the City Manager to execute a professional service agreement with Garver, LLC for Water Service Line Inventory in the amount of $59,897.00 to be paid from the Water and Sewer Fund.

THIS PROFESSIONAL SERVICES AGREEMENT ("**Agreement**") is made as of the Effective Date by and between the **City of Rockwall, Texas** (hereinafter referred to as "**Owner**"), and **Garver, LLC** (hereinafter referred to as "**Garver**"). Owner and Garver may individually be referred to herein after as a "Party" and/or "Parties" respectively.

RECITALS

WHEREAS, Owner intends to comply with the Lead and Copper Rule Revisions (LCRR) (the **"Project"**).

WHEREAS, Garver will provide professional Services related to the Project as further described herein.

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. DEFINITIONS

In addition to other defined terms used throughout this Agreement, when used herein, the following capitalized terms have the meaning specified in this Section:

"Effective Date" means the date last set forth in the signature lines below.

"Damages" means any and all damages, liabilities, or costs (including reasonable attorneys' fees recoverable under applicable law).

"Hazardous Materials" means any substance that, under applicable law, is considered to be hazardous or toxic or is or may be required to be remediated, including: (i) any petroleum or petroleum products, radioactive materials, asbestos in any form that is or could become friable, (ii) any chemicals, materials or substances which are now or hereafter become defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous wastes," "restricted hazardous wastes," "toxic substances," "toxic pollutants," or any words of similar import pursuant to applicable law; or (iii) any other chemical, material, substance or waste, exposure to which is now or hereafter prohibited, limited or regulated by any governmental instrumentality, or which may be the subject of liability for damages, costs or remediation.

"Personnel" means affiliates, directors, officers, partners, members, employees, and agents.

2. SCOPE OF SERVICES

2.1. Services. Owner hereby engages Garver to perform the scope of service described in Exhibit A attached hereto ("**Services**"). Execution of this Agreement by Owner constitutes Owner's written authorization to proceed with the Services. In consideration for such Services, Owner agrees to pay Garver in accordance with Section 3 below.

3. PAYMENT

3.1. Fee. For the Services described under Section 2.1, Owner will pay Garver in accordance with this Section 3 and Exhibit B. Owner represents that funding sources are in place with the available funds necessary to pay Garver in accordance with the terms of this Agreement.

3.2. Invoicing Statements. Garver shall invoice Owner on a monthly basis. Such invoice shall include supporting documentation reasonably necessary for Owner to know with reasonable certainty the proportion of Services accomplished. The Owner's terms and conditions set forth in a purchase order (or any similar document) are expressly rejected.

3.3. Payment.

3.3.1. Due Date. Owner shall pay Garver all undisputed amounts within thirty (30) days after receipt of an invoice. Owner shall provide notice in writing of any portion of an invoice that is disputed in good faith within fifteen (15) days of receipt of an invoice. Garver shall promptly work to resolve any and all items identified by Owner relating to the disputed invoice. All disputed portions shall be paid promptly upon resolution of the underlying dispute.

3.3.2. If any undisputed payment due Garver under this Agreement is not received within forty-five (45) days from the date of an invoice, Garver may elect to suspend Services under this Agreement without penalty.

3.3.3. Payments due and owing that are not received within thirty (30) days of an invoice date will be subject to interest at the lesser of a one percent (1%) monthly interest charge (compounded) or the highest interest rate permitted by applicable law.

4. AMENDMENTS

4.1. Amendments. Garver shall be entitled to an equitable adjustment in the cost and/or schedule for circumstances outside the reasonable control of Garver, including modifications in the scope of Services, applicable law, codes, or standards after the Effective Date ("Amendment"). As soon as reasonably possible, Garver shall forward a formal Amendment, in the form set forth in Exhibit D, to Owner with backup supporting the Amendment. All Amendments should include, to the extent known and available under the circumstances, documentation sufficient to enable Owner to determine: (i) the factors necessitating the possibility of a change; (ii) the impact which the change is likely to have on the cost to perform the Services; and (iii) the impact which the change is likely to have on the schedule. All Amendments shall be effective only after being signed by the designated representatives of both Parties. Garver shall have no obligation to perform any additional services created by such Amendment until a mutually agreeable Amendment is executed by both Parties.

5. OWNER'S RESPONSIBILITIES

5.1. In connection with the Project, Owner's responsibilities shall include the following:

5.1.1. Those responsibilities set forth in Exhibit A.

5.1.2. Owner shall be responsible for all requirements and instructions that it furnishes to Garver pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by Owner to Garver pursuant to this Agreement. Garver may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items as further set forth in Exhibit A.

5.1.3. Owner shall give prompt written notice to Garver whenever Owner observes or otherwise becomes aware of the presence at the Project site of any Hazardous Materials or any relevant, material defect, or nonconformance in: (i) the Services; (ii) the performance by any contractor providing or otherwise performing construction services related to the Project; or (iii) Owner's performance of its responsibilities under this Agreement.

5.1.4. Owner shall include "Garver, LLC" as an indemnified party under the contractor's indemnity obligations included in the construction contract documents.

5.1.5. Owner will not directly or indirectly solicit any of Garver's Personnel during performance of this Agreement and for a period of one (1) year beyond completion of this Agreement.

6. GENERAL REQUIREMENTS

6.1. Standards of Performance.

6.1.1. Industry Practice. Garver shall perform any and all Services required herein in accordance with generally accepted practices and standards employed by the applicable United States professional services industries as of the Effective Date practicing under similar conditions and locale. Such generally accepted practices and standards are not intended to be limited to the optimum practices, methods, techniques, or standards to the exclusion of all others, but rather to a spectrum of reasonable and prudent practices employed by the United States professional services industry.

6.1.2. Owner shall not be responsible for discovering deficiencies in the technical accuracy of Garver's services. Garver shall promptly correct deficiencies in technical accuracy without the need for an Amendment unless such corrective action is directly attributable to deficiencies in Owner-furnished information.

6.1.3. On-site Services. Garver and its representatives shall comply with Owner's and its separate contractor's Project-specific safety programs, which have been provided to Garver in writing in advance of any site visits.

6.1.4. Relied Upon Information. Garver may use or rely upon design elements and information ordinarily or customarily furnished by others including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

6.1.5. Aside from Garver's direct subconsultants, Garver shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Garver have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any such contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to that contractor's services. Garver shall not be responsible for the acts or omissions of any contractor for whom it does not have a direct contract. Garver neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the construction contract documents applicable to the contractor's work, even when Garver is performing construction phase services.

6.1.6. In no event is Garver acting as a "municipal advisor" as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration

rules issued by the Securities and Exchange Commission. Garver's Services expressly do not include providing advice pertaining to insurance, legal, finance, surety-bonding, or similar services.

6.2. Instruments of Service.

6.2.1. Deliverables. All reports, specifications, record drawings, models, data, and all other information provided by Garver or its subconsultants, which is required to be delivered to Owner under Exhibit A (the "**Deliverables**"), shall become the property of Owner subject to the terms and conditions stated herein.

6.2.2. Electronic Media. Owner hereby agrees that all electronic media, including CADD files ("**Electronic Media**"), are tools used solely for the preparation of the Deliverables. Upon Owner's written request, Garver will furnish to Owner copies of Electronic Media to the extent included as part of the Services. In the event of an inconsistency or conflict in the content between the Deliverables and the Electronic Media, however, the Deliverables shall take precedence in all respects. Electronic Media is furnished without guarantee of compatibility with the Owner's software or hardware. Because Electronic Media can be altered, either intentionally or unintentionally, by transcription, machine error, environmental factors, or by operators, it is agreed that, to the extent permitted by applicable law, Owner shall indemnify and hold Garver, Garver's subconsultants, and their Personnel harmless from and against any and all claims, liabilities, damages, losses, and costs, including, but not limited to, costs of defense arising out of changes or modifications to the Electronic Media form in Owner's possession or released to others by Owner. Garver's sole responsibility and liability for Electronic Media is to furnish a replacement for any non-functioning Electronic Media for reasons solely attributable to Garver within thirty (30) days after delivery to Owner.

6.2.3. Property Rights. All intellectual property rights of a Party, including copyright, patent, and reuse ("**Intellectual Property**"), shall remain the Intellectual Property of that Party. Garver shall obtain all necessary Intellectual Property from any necessary third parties in order to execute the Services. Any Intellectual Property of Garver or any third party embedded in the Deliverables shall remain so imbedded and may not be separated therefrom.

6.2.4. License. Upon Owner fulfilling its payment obligations under this Agreement, Garver hereby grants Owner a license to use the Intellectual Property, but only in the operation and maintenance of the Project for which it was provided. Use of such Intellectual Property for modification, extension, or expansion of this Project or on any other project, unless under the direction of Garver, shall be without liability to Garver and Garver's subconsultants. To the extent permitted by applicable law, Owner shall indemnify and hold Garver, Garver's subconsultants, and their Personnel harmless from and against any and all claims, liabilities, damages, losses, and costs, including but not limited to costs of defense arising out of Owner's use of the Intellectual Property contrary to the rights permitted herein.

6.3. Opinions of Cost.

6.3.1. Since Garver has no control over: (i) the cost of labor, materials, equipment, or services furnished by others; (ii) the contractor or its subcontractor(s)' methods of determining prices; (iii) competitive bidding; (iv) market conditions; or (v) similar material factors, Garver's opinions of Project costs or construction costs provided pursuant to Exhibit A, if

any, are to be made on the basis of Garver's experience and qualifications and represent Garver's reasonable judgment as an experienced and qualified professional engineering firm, familiar with the construction industry. Garver cannot and does not guarantee that proposals, bids, or actual Project or construction costs will not vary from estimates prepared by Garver.

6.3.2. Owner understands that the construction cost estimates developed by Garver do not establish a limit for the construction contract amount. If the actual amount of the low construction bid or resulting construction contract exceeds the construction budget established by Owner, Garver will not be required to re-design the Services without additional compensation. In the event Owner requires greater assurances as to probable construction cost, then Owner agrees to obtain an independent cost estimate.

6.4. Underground Utilities. Except to the extent expressly included as part of the Services, Garver will not provide research regarding utilities or survey utilities located and marked by their owners. Furthermore, since many utility companies typically will not locate and mark their underground facilities prior to notice of excavation, Garver is not responsible for knowing whether underground utilities are present or knowing the exact location of such utilities for design and cost estimating purposes. In no event is Garver responsible for damage to underground utilities, unmarked or improperly marked, caused by geotechnical conditions, potholing, construction, or other contractors or subcontractors working under a subcontract to this Agreement.

6.5. Design without Construction Phase Services.

6.5.1. If the Owner requests in writing that Garver provide any specific construction phase services or assistance with resolving disputes or other subcontractor related issues, and if Garver agrees to provide such services, then Garver shall be compensated for the services as an Amendment in accordance with Sections 4 and 10.2.

6.6. Hazardous Materials. Nothing in this Agreement shall be construed or interpreted as requiring Garver to assume any role in the identification, evaluation, treatment, storage, disposal, or transportation of any Hazardous Materials. Notwithstanding any other provision to the contrary in this Agreement and to the fullest extent permitted by law, Owner shall indemnify and hold Garver and Garver's subconsultants, and their Personnel harmless from and against any and all losses which arise out of the performance of the Services and relating to the regulation and/or protection of the environment including without limitation, losses incurred in connection with characterization, handling, transportation, storage, removal, remediation, disturbance, or disposal of Hazardous Material, whether above or below ground.

6.7. Confidentiality. Owner and Garver shall consider: (i) all information provided by the other Party that is marked as "Confidential Information" or "Proprietary Information" or identified as confidential pursuant to this Section 6.7 in writing promptly after being disclosed verbally; and (ii) all documents resulting from Garver's performance of Services to be Confidential Information. Except as legally required, Confidential Information shall not be discussed with or transmitted to any third parties, except on a "need to know basis" with equal or greater confidentiality protection or written consent of the disclosing Party. Confidential Information shall not include and nothing herein shall limit either Party's right to disclose any information provided hereunder which: (i) was or becomes generally available to the public, other than as a result of a disclosure by the receiving Party or its Personnel; (ii) was or becomes available to the receiving Party or its representatives on a non-confidential basis, provided that the source of the information is not bound by a confidentiality agreement or otherwise prohibited

from transmitting such information by a contractual, legal, or fiduciary duty; (iii) was independently developed by the receiving Party without the use of any Confidential Information of the disclosing Party; or (iv) is required to be disclosed by applicable law or a court order. All confidentiality obligations hereunder shall expire three (3) years after completion of the Services. Nothing herein shall be interpreted as prohibiting Garver from disclosing general information regarding the Project for future marketing purposes.

7. INSURANCE

7.1. Insurance.

7.1.1. Garver shall procure and maintain insurance as set forth in Exhibit C until completion of the Service. Upon request, Garver shall name Owner as an additional insured on Garver's General Liability policy to the extent of Garver's indemnity obligations provided in Section 9 of this Agreement.

7.1.2. Upon request, Garver shall furnish Owner a certificate of insurance evidencing the insurance coverages required in Exhibit C.

8. DOCUMENTS

8.1. Audit. Garver will retain all pertinent records for a period of three (3) years beyond completion of the Services. Owner may have access to such records during normal business hours with three (3) business days advanced written notice. In no event shall Owner be entitled to audit the makeup of lump sum or other fixed prices (e.g., agreed upon unit or hour rates).

8.2. Delivery. After completion of the Project, and prior to final payment, Garver shall deliver to the Owner all Deliverables required under Exhibit A.

9. INDEMNIFICATION / WAIVERS

9.1. Indemnification.

9.1.1. Garver Indemnity. Subject to the limitations of liability set forth in Section 9.2, Garver agrees to indemnify and hold Owner, and Owner's Personnel harmless from Damages due to bodily injury (including death) or third-party tangible property damage to the extent such Damages are caused by the negligent acts, errors, or omissions of Garver or any other party for whom Garver is legally liable, in the performance of the Services under this Agreement.

9.1.2. Owner Indemnity. Subject to the limitations of liability set forth in Section 9.2, Owner agrees to indemnify and hold Garver and Garver's subconsultants and their Personnel harmless from Damages due to bodily injury (including death) or third-party tangible property damage to the extent caused by the negligent acts, errors, or omissions of Owner or any other party for whom Owner is legally liable, in the performance of Owner's obligations under this Agreement.

9.1.3. In the event claims or Damages are found to be caused by the joint or concurrent negligence of Garver and the Owner, they shall be borne by each Party in proportion to its own negligence.

9.2. Waivers. Notwithstanding any other provision to the contrary, the Parties agree as follows:

9.2.1. THE PARTIES AGREE THAT ANY CLAIM OR SUIT FOR DAMAGES MADE OR FILED AGAINST THE OTHER PARTY WILL BE MADE OR FILED SOLELY AGAINST GARVER OR OWNER RESPECTIVELY, OR THEIR SUCCESSORS OR ASSIGNS, AND THAT NO PERSONNEL SHALL BE PERSONALLY LIABLE FOR DAMAGES UNDER ANY CIRCUMSTANCES.

9.2.2. MUTUAL WAIVER. TO THE FULLEST EXTENT PERMITTED BY LAW, NEITHER OWNER, GARVER, NOR THEIR RESPECTIVE PERSONNEL SHALL BE LIABLE FOR ANY CONSEQUENTIAL, SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, OR EXEMPLARY DAMAGES, OR DAMAGES ARISING FROM OR IN CONNECTION WITH LOSS OF USE, LOSS OF REVENUE OR PROFIT (ACTUAL OR ANTICIPATED), LOSS BY REASON OF SHUTDOWN OR NON-OPERATION, INCREASED COST OF CONSTRUCTION, COST OF CAPITAL, COST OF REPLACEMENT POWER OR CUSTOMER CLAIMS, AND OWNER HEREBY RELEASES GARVER, AND GARVER RELEASES OWNER, FROM ANY SUCH LIABILITY.

9.2.3. LIMITATION. IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO BOTH THE OWNER AND GARVER, OWNER HEREBY AGREES THAT GARVER'S AND ITS PERSONNEL'S TOTAL LIABILITY UNDER THE AGREEMENT SHALL BE LIMITED TO ONE HUNDRED PERCENT (100%) OF GARVER'S FEE SET FORTH IN EXHIBIT B.

9.2.4. NO OTHER WARRANTIES. NO OTHER WARRANTIES OR CAUSES OF ACTION OF ANY KIND, WHETHER STATUTORY, EXPRESS OR IMPLIED (INCLUDING ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ALL WARRANTIES ARISING FROM COURSE OF DEALING OR USAGE OF TRADE) SHALL APPLY. OWNER'S EXCLUSIVE REMEDIES AND GARVER'S ONLY OBLIGATIONS ARISING OUT OF OR IN CONNECTION WITH DEFECTIVE SERVICES (PATENT, LATENT OR OTHERWISE), WHETHER BASED IN CONTRACT, IN TORT (INCLUDING NEGLIGENCE AND STRICT LIABILITY), OR OTHERWISE, SHALL BE THOSE STATED IN THE AGREEMENT.

9.2.5. THE LIMITATIONS SET FORTH IN SECTION 9.2 APPLY REGARDLESS OF WHETHER THE CLAIM IS BASED IN CONTRACT, TORT, OR NEGLIGENCE INCLUDING GROSS NEGLIGENCE, STRICT LIABILITY, WARRANTY, INDEMNITY, ERROR AND OMISSION, OR ANY OTHER CAUSE WHATSOEVER.

10. DISPUTE RESOLUTION

10.1. Any controversy or claim ("**Dispute**") arising out of or relating to this Agreement or the breach thereof shall be resolved in accordance with the following:

10.1.1. Any Dispute that cannot be resolved by the project managers of Owner and Garver may, at the request of either Party, be referred to the senior management of each Party. If the senior management of the Parties cannot resolve the Dispute within thirty (30) days after such request for referral, then either Party may request mediation. If both Parties agree to mediation, it shall be scheduled at a mutually agreeable time and place with a mediator agreed to by the Parties. Should mediation fail, should either Party refuse to participate in mediation, or should the scheduling of mediation be impractical, either Party may file for arbitration in lieu of litigation.

10.1.2. Arbitration of the Dispute shall be administered by the American Arbitration Association ("AAA") in accordance with its Construction Industry Arbitration Rules. EACH PARTY IRREVOCABLY WAIVES, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAWS, ANY AND ALL RIGHT TO TRIAL BY JURY. The arbitration shall be conducted by a single arbitrator, agreed to by the Parties. In no event may a demand for arbitration be made if the institution of legal or equitable proceedings based on such dispute is barred by the applicable statute of limitations.

10.1.3. The site of the arbitration shall be Fort Worth, Texas. Each Party hereby consents to the jurisdiction of the federal and state courts within whose district the site of arbitration is located for purposes of enforcement of this arbitration provision, for provisional relief in aid of arbitration, and for enforcement of any award issued by the arbitrator.

10.1.4. To avoid multiple proceedings and the possibility of inconsistent results, either Party may seek to join third parties with an interest in the outcome of the arbitration or to consolidate arbitration under this Agreement with another arbitration. Within thirty (30) days of receiving written notice of such a joinder or consolidation, the other Party may object. In the event of such an objection, the arbitrator shall decide whether the third party may be joined and/or whether the arbitrations may be consolidated. The arbitrator shall consider whether any entity will suffer prejudice as a result of or denial of the proposed joinder or consolidation, whether the Parties may achieve complete relief in the absence of the proposed joinder or consolidation, and any other factors which the arbitrators conclude should factor on the decision.

10.1.5. The arbitrator shall have no authority to award punitive damages. Any award, order or judgment pursuant to the arbitration is final and may be entered and enforced in any court of competent jurisdiction.

10.1.6. The prevailing Party shall be entitled to recover its attorneys' fees, costs, and expenses, including arbitrator fees and costs and AAA fees and costs.

10.1.7. The foregoing arbitration provisions shall be final and binding, construed and enforced in accordance with the Federal Arbitration Act, notwithstanding the provisions of this Agreement specifying the application of other law. Pending resolution of any Dispute, unless the Agreement is otherwise terminated, Garver shall continue to perform the Services under this Agreement that are not the subject of the Dispute, and Owner shall continue to make all payments required under this Agreement that are not the subject of the Dispute.

10.1.8. Owner and Garver further agree to use commercially reasonable efforts to include a similar dispute resolution provision in all agreements with independent contractors and subconsultants retained for the Project.

10.2. Litigation Assistance. This Agreement does not include costs of Garver for required or requested assistance to support, prepare, document, bring, defend, or assist in litigation undertaken or defended by Owner, unless litigation assistance has been expressly included as part of Services. In the event Owner requests such services of Garver, this Agreement shall be amended in writing by both Owner and Garver to account for the additional services and resulting cost in accordance with Section 4.

11. TERMINATION

11.1. Termination for Convenience. Owner shall have the right at its sole discretion to terminate this Agreement for convenience at any time upon giving Garver ten (10) days' written notice. In the event of a termination for convenience, Garver shall bring any ongoing Services to an orderly cessation. Owner shall compensate Garver in accordance with Exhibit B for: (i) all Services performed and reasonable costs incurred by Garver on or before Garver's receipt of the termination notice, including all outstanding and unpaid invoices, (ii) all costs reasonably incurred to bring such Services to an orderly cessation; and (iii) a cancellation fee equal to five percent (5%) of the value of the unperformed Services as a direct result of the termination.

11.2. Termination for Cause. This Agreement may be terminated by either Party in the event of failure by the other Party to perform any material obligation in accordance with the terms hereof. Prior to termination of this Agreement for cause, the terminating Party shall provide at least seven (7) business days written notice and a reasonable opportunity to cure to the non-performing Party. In all events of termination for cause due to an event of default by the Owner, Owner shall pay Garver for all Services properly performed prior to such termination in accordance with the terms, conditions and rates set forth in this Agreement.

11.3. Termination in the Event of Bankruptcy. Either Party may terminate this Agreement immediately upon notice to the other Party, and without incurring any liability, if the non-terminating Party has: (i) been adjudicated bankrupt; (ii) filed a voluntary petition in bankruptcy or had an involuntary petition filed against it in bankruptcy; (iii) made an assignment for the benefit of creditors; (iv) had a trustee or receiver appointed for it; (v) becomes insolvent; or (vi) any part of its property is put under receivership.

12. MISCELLANEOUS

12.1. Governing Law. This Agreement is governed by the laws of the State of Texas, without regard to its choice of law provisions.

12.2. Successors and Assigns. Owner and Garver each bind themselves and their successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; neither Owner nor Garver shall assign, sublet, or transfer their interest in this Agreement without the written consent of the other, which shall not be unreasonably withheld or delayed.

12.3. Independent Contractor. Garver is and at all times shall be deemed an independent contractor in the performance of the Services under this Agreement.

12.4. No Third-Party Beneficiaries. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than Owner and Garver. This Agreement does not contemplate any third-party beneficiaries.

12.5. Entire Agreement. This Agreement constitutes the entire agreement between Owner and Garver and supersedes all prior written or oral understandings and shall be interpreted as having been drafted by both Parties. This Agreement may be amended, supplemented, or modified only in writing by and executed by both Parties.

12.6. Severance. The illegality, unenforceability, or occurrence of any other event rendering a portion or provision of this Agreement void shall in no way affect the validity or enforceability

of any other portion or provision of the Agreement. Any void provision of this Agreement shall be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void.

12.7. Counterpart Execution. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together constitute one Agreement. Delivery of an executed counterpart of this Agreement by fax or transmitted electronically in legible form, shall be equally effective as delivery of a manually executed counterpart of this Agreement.

13. EXHIBITS

13.1. The following Exhibits are attached to and made a part of this Agreement:

Exhibit A – Scope of Services
Exhibit B – Compensation Schedule
Exhibit C – Insurance

If there is an express conflict between the provisions of this Agreement and any Exhibit hereto, the terms of this Agreement shall take precedence over the conflicting provisions of the Exhibit.

Owner and Garver, by signing this Agreement, acknowledges that they have independently assured themselves and confirms that they individually have examined all Exhibits, and agrees that all of the aforesaid Exhibits shall be considered a part of this Agreement and agrees to be bound to the terms, provisions, and other requirements thereof, unless specifically excluded.

[*Signature Page to Follow*]

Acceptance of this proposed Agreement is indicated by an authorized agent of the Owner signing in the space provided below. Please return one signed original of this Agreement to Garver for our records.

IN WITNESS WHEREOF, Owner and Garver have executed this Agreement effective as of the date last written below.

City of Rockwall, Texas	**Garver, LLC**
By: _____ *Signature*	By: Lance Klement *Signature*
Name: _____ *Printed Name*	Name: Lance Klement *Printed Name*
Title: _____	Title: North Texas Water Business Leader
Date: _____	Date: 11/10/2023

EXHIBIT A
(SCOPE OF SERVICES)

I. Background

The City of Rockwall ("City") selected Garver to assist with preparations for compliance with the Lead and Copper Rule Revisions (LCRR). These services will be phased based on the regulatory time-frame; i.e., the LCRR compliance date of October 16, 2024, and will be responsive to regulatory changes introduced by the Lead and Copper Rule Improvements (LCRI), which is currently in development.

Generally, Garver will provide technical guidance to the City related to:

- Updating sampling plans and protocols
- Developing a new lead service line replacement plan
- Communications materials

II. Scope of Work

The following scope of work describes the services to be provided. Garver will prepare an overall project management plan (PM) and quality control/assurance plan to be used for all tasks. Garver will prepare and provide monthly progress/status reports, sufficient to support monthly billings. Monthly status reports will be submitted with monthly invoices and project updates.

A. Task I – Service Line Inventory Assistance – completed under previous contract.

B. Task II – Water Quality Assessment - completed under previous contract.

C. Task III – Sampling Plans and Protocols

1. Garver will update the City's existing list of tap sampling sites and tap sampling protocols. Updates will be based on the City's service line inventory, requirements of the LCRR, and proposed or final LCRI, if available.

2. Garver will review the City's planned approach for developing and maintaining a list of schools and licensed child-care facilities and provide comments.

3. Garver will develop sampling protocols for implementation at schools and licensed child-care facilities in accordance with the requirements of the LCRR, and proposed or final LCRI, if available. Sampling protocols will include the number of samples required per facility, flow charts for selecting sampling points within each facility.

4. Garver will facilitate one (1) virtual workshop to provide updates on Garver-led tasks and any regulatory developments and receive status updates on City-led tasks.

5. Garver will provide City staff training for implementation of the new plans and protocols.

Deliverables: Draft and Final Updated list of tap sampling sites, Draft and Final tap sampling protocols, comments on the City's approach to developing and maintaining a list of schools and licensed child-care facilities, Draft and Final sampling protocol for schools and licensed child-care facilities

D. Task IV – Lead Service Line Replacement Plan Development

1. Garver will review and provide comments on the City's existing LSL replacement plan. The review will focus on the plan's compliance with the LCRR or, if available, the LCRI.

2. Garver will update the City's existing LSL replacement plan for compliance with the LCRR or, if available, the LCRI.

3. Garver will facilitate one (1) virtual workshop to provide updates on Garver-led tasks and any regulatory developments and receive status updates on City-led tasks.

Deliverables: Review comments, Draft and Final updated LSL Replacement Plan

E. Task V – Review of Communications Materials

1. Garver will review the City's existing communications materials related to LCR compliance and identify updates or additional materials needed for LCRR, and, if available, LCRI compliance.
2. Garver will review communications materials developed by the City or the City's outside communications firm for LCRR, and, if available, LCRI, compliance.
3. Garver will facilitate one (1) virtual workshop to provide updates on Garver-led tasks and any regulatory developments and receive status updates on City-led tasks.
4. Garver will facilitate one (1) virtual staff training session on communications materials and delivery schedules.

Deliverables: Review comments on existing LCR materials, review comments on newly developed communications materials

III. Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Level A SUE of service lines.
2. Sampling or water quality analyses.
3. Development of a list of schools and licensed child-care facilities.
4. Estimation of labor costs for City staff.
5. Design services of any kind.
6. Submittals or deliverables in addition to those listed herein.

IV. Schedule

Garver shall begin work under this Agreement within ten (10) calendar days of the Notice to Proceed for each task and shall complete the work in accordance with the schedule below. It is assumed that the Notice to Proceed for each task will be accompanied by City-developed documents that Garver is to review.

Task Description	**Calendar Days**
Task III – Sampling Plans and Protocols	60 days from Notice to Proceed
Task IV – Lead Service Line Replacement Plan Development	60 days from Notice to Proceed
Task V – Review of Communications Materials	60 days from Notice to Proceed

*Note: for planning purposes, 14 calendar days are assumed for a complete City response to a data request or comments related to a DRAFT submittal.

EXHIBIT B
(COMPENSATION SCHEDULE)

The table below presents a summary of the fee amounts and fee types for this Agreement.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Task 3 – Sampling Plans and Protocols	$32,465.00	LUMP SUM
Task 4 – Lead Service Line Replacement Plan	$11,866.00	LUMP SUM
Task 5 – Review of Communications Materials	$15,566.00	LUMP SUM
TOTAL FEE	$59,897.00	

The lump sum amount to be paid under this Agreement is $59,897.00.

Additional Services (Extra Work). For services not described or included in Section 2, but requested by the Owner in writing or otherwise permitted under Section 4, the Owner will pay Garver as expressly set forth in the applicable Amendment, or in the event the Amendment is silent, for the additional time spent on the Project, at the agreed upon rates for each classification of Garver's personnel (may include contract staff classified at Garver's discretion) plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The agreed upon rates will be increased annually with the first increase effective on or about [month day, year].

Garver shall provide Owner notice when Garver is within ten percent (10%) of the not-to-exceed amount. In which event, Owner may direct Garver to proceed with the Services up to the not-to-exceed budgetary threshold before ceasing performance of the Services or increase the not-to-exceed amount with notice to Garver. Underruns in any phase may be used to offset overruns in another phase as long as the overall Agreement amount is not exceeded. In no event shall the not-to-exceed amount be interpreted as a guarantee the Services can be performed for the not-to-exceed budgetary threshold.

EXHIBIT C
(INSURANCE)

Pursuant to Section 7.1 of the Agreement, Garver shall maintain the following schedule of insurance until completion of the Services:

Worker's Compensation	Statutory Limit
Automobile Liability	
Combined Single Limit (Bodily Injury and Property Damage)	$500,000
General Liability	
Each Occurrence	$1,000,000
Aggregate	$2,000,000
Professional Liability	
Each Claim Made	$1,000,000
Annual Aggregate	$2,000,000
Excess of Umbrella Liability	
Per Occurrence	$1,000,000
General Aggregate	$1,000,000

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:	November 20, 2023
APPLICANT:	Billy Duckworth; *A&W Surveyors, Inc.*
CASE NUMBER:	P2023-034; *Replat for Lots 2 & 3, Block A, Gamez Addition*

SUMMARY

Consider a request by Billy Duckworth of A&W Surveyors, Inc. on behalf of David Gamez for the approval of a *Replat* for Lots 2 & 3, Block A, Gamez Addition being a 0.369-acre parcel of land identified as Lot 1, Block A, Gamez Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Neighborhood Residential Overlay (SRO) District, addressed as 614 E, Boydston Avenue, and take any action necessary.

PLAT INFORMATION

- ☑ The applicant is requesting approval of a *Replat* for a 0.369-acre parcel of land (*i.e. Lot 1, Block A, Gamez Addition*) for the purpose of establishing two (2) residential lots (*i.e. Lots 2 & 3, Block A, Gamez Addition*) on the subject property.

- ☑ According to the City's annexation ordinances and the 1934 Sanborn Maps, the subject property was platted as part of the B.F. Boydston Addition prior to 1959 and after 1934. Per the City's historic zoning maps, the subject property was originally zoned Commercial (C) District as of January 3, 1972. Between this date and December 7, 1993, the subject property was rezoned from a Commercial (C) District to a Single-Family 7 (SF-7) District and has remained zoned Single-Family 7 (SF-7) District since this change. The subject property has been situated within the Southside Residential Neighborhood Overlay (SRO) District since its inception on June 3, 1996 by *Ordinance No. 96-12*. According to Rockwall Central Appraisal District (RCAD), there is currently a 2,631 SF single-family home situated on the subject property that was constructed in 1964.

- ☑ On November 7, 2023, the Parks and Recreation Board reviewed the *Replat* and made the following recommendations concerning the proposed subdivision:

  (1) The property owner shall pay *Pro-Rata Equipment Fees* of $697.81 (*i.e. $697.81 x 1 Lot*).

  (2) The property owner shall pay *Cash-In-Lieu of Land Fees* of $743.54 (*i.e. $743.54 x 1 Lot*).

- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this *Replat* -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

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

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

CONDITIONS OF APPROVAL

If City Council chooses to approve of a *Replat for Lots 2 & 3, Block A, Gamez Addition*, staff would propose the following conditions of approval:

(1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to the filing of this ***Replat***;

(2) The development shall adhere to the Parks and Recreation Department's recommendations as outlined above in this case memo; and,

(3) Any construction resulting from the approval of this ***Replat*** 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 November 14, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the ***Final Plat*** by a vote of 7-0.

DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:
- ☐ MASTER PLAT ($100.00 + $15.00 ACRE) [1]
- ☐ PRELIMINARY PLAT ($200.00 + $15.00 ACRE) [1]
- ☐ FINAL PLAT ($300.00 + $20.00 ACRE) [1]
- ☑ REPLAT ($300.00 + $20.00 ACRE) [1]
- ☐ AMENDING OR MINOR PLAT ($150.00)
- ☐ PLAT REINSTATEMENT REQUEST ($100.00)

SITE PLAN APPLICATION FEES:
- ☐ SITE PLAN ($250.00 + $20.00 ACRE) [1]
- ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN ($100.00)

ZONING APPLICATION FEES:
- ☐ ZONING CHANGE ($200.00 + $15.00 ACRE) [1]
- ☐ SPECIFIC USE PERMIT ($200.00 + $15.00 ACRE) [1 & 2]
- ☐ PD DEVELOPMENT PLANS ($200.00 + $15.00 ACRE) [1]

OTHER APPLICATION FEES:
- ☐ TREE REMOVAL ($75.00)
- ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS ($100.00) [2]

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: 614 E. BOYDSTON AVENUE, ROCKWALL, TX 75087
SUBDIVISION: GAMEZ II ADDITION — LOT: 1R, 2R — BLOCK: A
GENERAL LOCATION: S.E. CORNER BOYDSTON & SHERMAN

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING: SF-7 — CURRENT USE: RESIDENTIAL
PROPOSED ZONING: SF-7 — PROPOSED USE: RESIDENTIAL
ACREAGE: 0.369 — LOTS [CURRENT]: 1 — LOTS [PROPOSED]: 2

☐ *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	DAVID GAMEZ	☑ APPLICANT	A&W SURVEYORS, INC.
CONTACT PERSON	DAVID GAMEZ	CONTACT PERSON	BILLY DUCKWORTH
ADDRESS	614 E. BOYDSTON AVE.	ADDRESS	2220 GUS THOMASSON RD. BLDG A, STE C
CITY, STATE & ZIP	ROCKWALL, TX 75087	CITY, STATE & ZIP	MESQUITE, TX 75143
PHONE	469 338 9683	PHONE	972 691 4975
E-MAIL	JESSGMZ226@GMAIL.COM	E-MAIL	BILLY@AWSURVEY.COM

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID GAMEZ [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 $ 10. TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 16th DAY OF October 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."

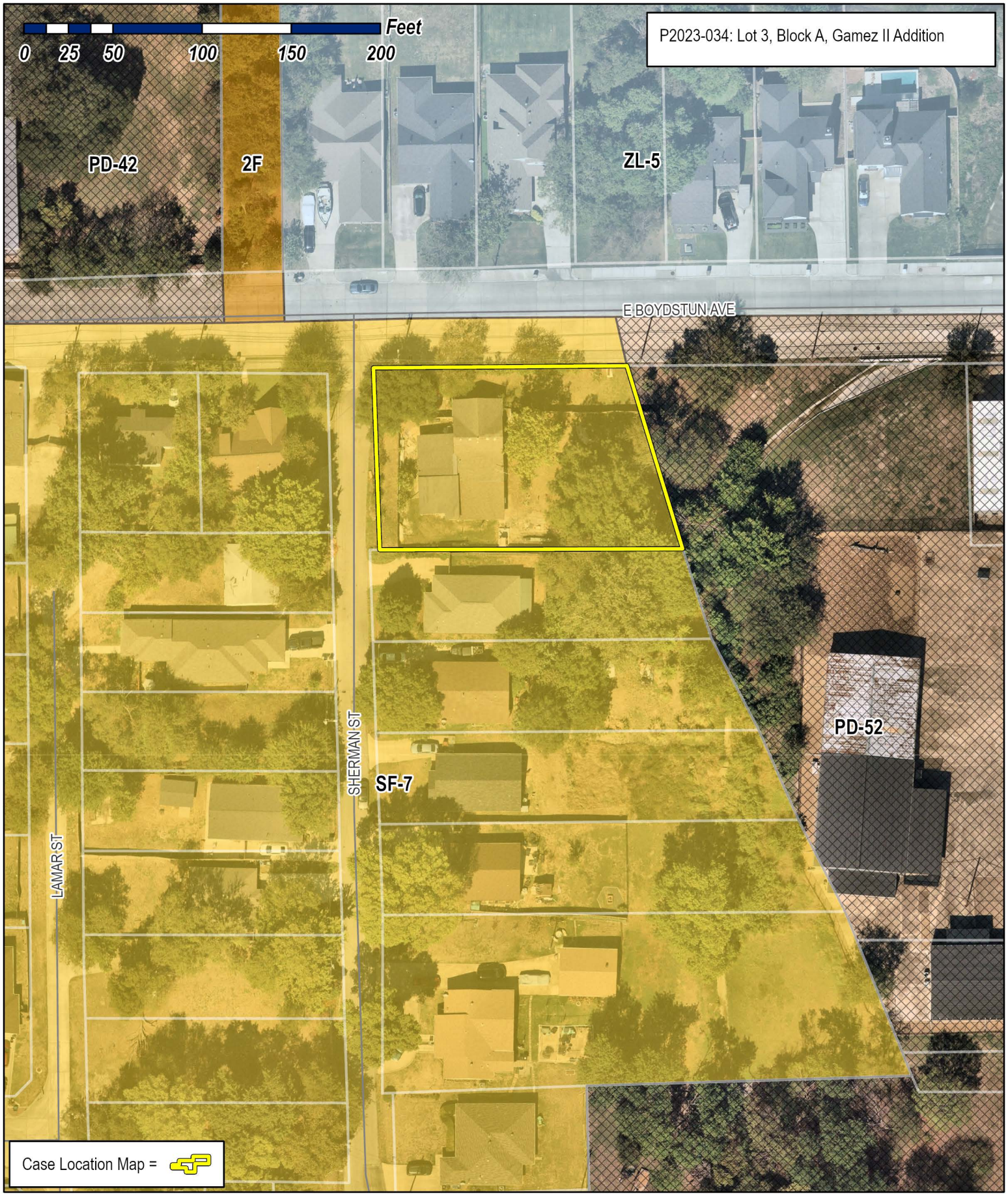
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16th DAY OF October 2023

OWNER'S SIGNATURE: David Gamez

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS: WENDY G. DAVILA

WENDY G. DAVILA
Notary Public, State of Texas
Comm. Expires 03-18-2025
Notary ID 132983805

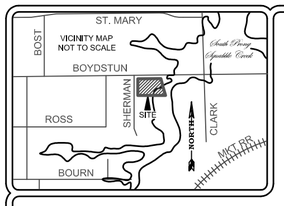
MY COMMISSION EXPIRES

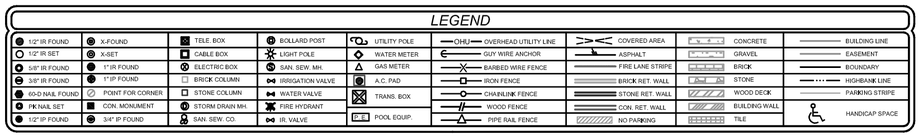


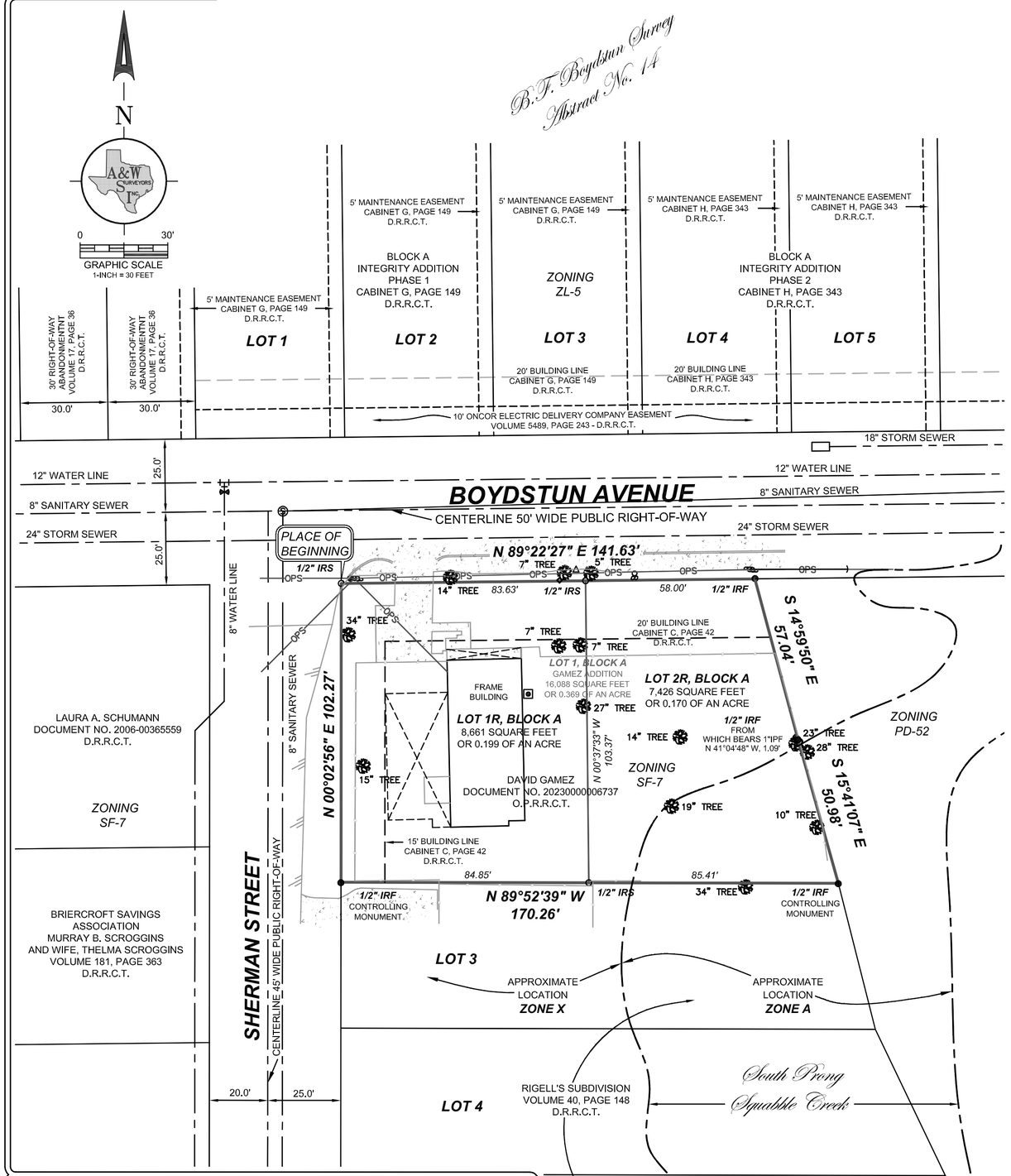
City of Rockwall

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.







GENERAL NOTES

1. All 1/2" IRON ROD S SET for corner as shown hereon have a YELLOW PLASTIC CAP STAMPED "RPLS 5310".
2. All bearings are based on TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)
4. All dimensions shown hereon are surface.
5. The purpose of this plat is to divide one platted lot into two platted lots.
6. It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.
7. Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements.

FLOOD

According to the Flood Insurance Rate Map, Community Panel No. 48397C 0040L, dated 9-26-2008, A portion of he subject property is located in Zone "A". This information is obtained from FEMA.org Map Center, surveyor assumes no liability as to the accuracy of the FEMA website. Seller's disclosure should identify any existing flood insurance policies.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS David Gamez is the sole owner of a tract of land located in the B.F. BOYDSTUN SURVEY, Abstract No. 14, City of Rockwall, Rockwall County, Texas, and being Lot 1, Block A, of Gamez Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Volume C, Page 42, Map Records, Rockwall County, Texas, and being the same tract of land described in Correction Instrument to David Gamez, recorded in Instrument No. 20230000006737, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the South line of Boydstun Avenue, a 50' wide public right-of-way, at the East line of Sherman Street, a 45' wide public right-of-way, same being the Northwest corner of said Lot 1, Block A of Gamez Addition;
Thence North 89°22'27" East, along said South line, a distance of 141.63' to a 1/2" iron rod found at the Northwest corner of a tract of land described in deed to Kaufmann Properties, LLC, recorded in Document No. 2006-00359050, Deed Records, Rockwall County, Texas, same being the Northeast corner of said Lot 1, Block A of Gamez Addition;
Thence South 14°59'50" East, along the West line of said Kaufmann tract, a distance of 57.04' to a 1/2" iron rod found;
Thence South 15°41'07" East, along the West line of said Kaufmann tract, a distance of 50.98' to a 1/2" iron rod found at the Northeast corner of Lot 3, Block A of Rigell's Subdivision, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Volume 40, Page 148, Deed Records, Rockwall County, Texas, same being the Southeast corner of said Lot 1, Block A of Gamez Addition;
Thence North 89°52'39" West, along the common line of said Lot 1, Block A of Gamez Addition and said Lot 3, Block A of Rigell's Subdivision, a distance of 170.26' to a 1/2" iron rod found in said East line of Sherman Street, at the Southwest corner of said Lot 1, Block A and the Northwest corner of said Lot 3, Block A;
Thence North 00°02'56" East, along said East line of said Sherman Street, a distance of 102.27' to the ***PLACE OF BEGINNING*** and containing 16,088 square feet or 0.369 of an acre of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as the ***GAMEZ II 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 the ***GAMEZ II ADDITION*** have been notified and signed this plat. I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I also understand the following;
1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

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

_____
David Gamez, *Owner*

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared David Gamez, 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 the ___day of _____, 20____.

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, John S. Turner, 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.

RELEASED 8-17-23 FOR REVIEW PURPOSES ONLY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

_____
John S. Turner
Registered Professional Land Surveyor #5310

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared John S. Turner, R.P.L.S. NO. 5310, State of Texas, 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 purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office,
This _____ day of _____, 20___.

_____
Notary Public in and for the State of Texas

CERTIFICATE OF APPROVAL

I hereby certify that the above and foregoing plat of ***GAMEZ II ADDITION*** to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ___day of _____, 20____.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the county clerk, within 180 days from said date of final approval by the city engineer. Said addition shall be subject to all the requirements of these subdivision regulations.

WITNESS OUR HANDS, this the ____day of _____, 20____.

_____
City Secretary, City of Rockwall, Texas

Recommended for final approval:

_____ _____
Planning and Zoning Commission Date

Approved:

_____ _____
Mayor, City of Rockwall, Texas Date

Approved:

_____ _____
City Engineer Date

A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM

~ PROPERTY ADDRESS: 614 E. BOYDSTUN AVENUE ~
Owner: DAVID GAMEZ
~ 614 E. Boydstun Avenue, Rockwall, TX 75087 ~
~ 469-338-9683 ~

Job No. 22-1773	Drawn by: 543	Date:03-15-23	Revised:

"A professional company operating in your best interest"

REPLAT
FOR
LOT 1, BLOCK A, GAMEZ ADDITION
TO
LOTS 1R AND 2R, BLOCK A
GAMEZ II ADDITION
BEING 16,088 SQUARE FEET OR 0.369 OF AN ACRE

AN ADDITION TO THE CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS
B.F. BOYDSTUN SURVEY, ABSTRACT NO. 14

Parcel name: 3

```
   North: 7025190.7387        East : 2595707.5326
Line  Course: N 00-02-56 E  Length: 102.27
        North: 7025293.0087         East : 2595707.6198
Line  Course: N 89-22-27 E  Length: 141.63
        North: 7025294.5557         East : 2595849.2414
Line  Course: S 14-59-50 E  Length: 57.04
        North: 7025239.4586         East : 2595864.0017
Line  Course: S 15-41-07 E  Length: 50.98
        North: 7025190.3770         East : 2595877.7843
Line  Course: N 89-52-39 W  Length: 170.26
        North: 7025190.7410         East : 2595707.5247

   Perimeter: 522.18   Area: 16,088 Sq Ft 0.369 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0081               Course: N 73-52-41 W
  Error North: 0.00226               East : -0.00783
Precision  1: 64,466.67
```

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:	November 20, 2023
APPLICANT:	Phil Wagner; *Rockwall Economic Development Corporation (REDC)*
CASE NUMBER:	Z2023-049; *Specific Use Permit (SUP) for Heavy Manufacturing for Ballard*

SUMMARY

Hold a public hearing to discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a *Specific Use Permit (SUP)* for *Heavy Manufacturing* on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on June 15, 1998 by *Ordinance No. 98-20* [*Case No. A1998-002*]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On July 5, 2005, -- *at the request of the Rockwall Economic Development Corporation (REDC)* -- the City Council approved *Ordinance No. 05-29* [*Case No. Z2005-021*], which changed the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District. The subject property has remained vacant since annexation.

PURPOSE

On October 20, 2023, the applicant -- *Phil Wagner of the Rockwall Economic Development Corporation (REDC)* -- submitted an application requesting a Specific Use Permit (SUP) for *Heavy Manufacturing* the purpose of constructing a *Heavy Manufacturing* facility on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is located at the southwest corner of the intersection of Data Drive and Discovery Boulevard. The land uses adjacent to the subject property are as follows:

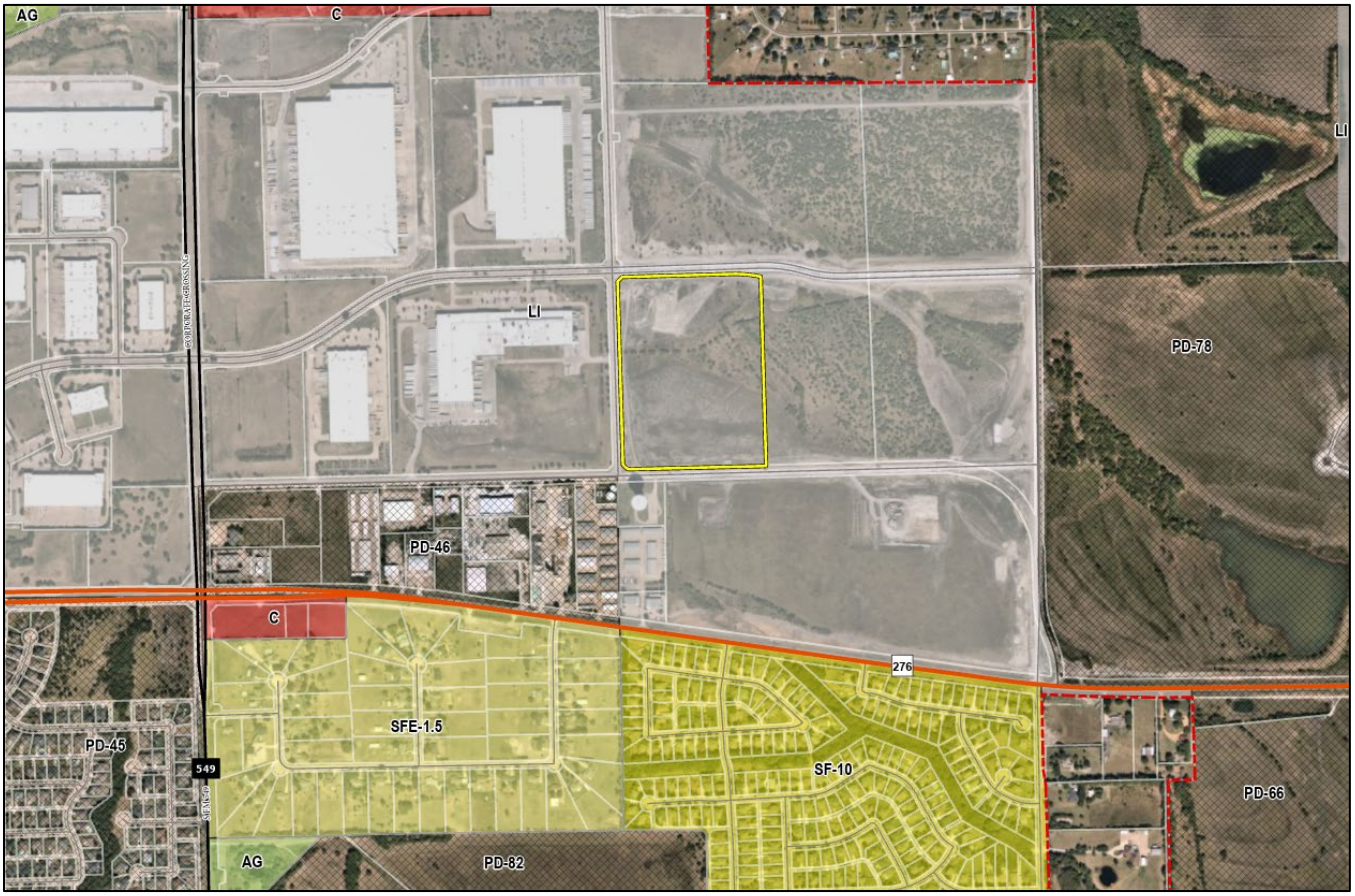
North: Directly north of the subject property is Discovery Boulevard, which is identified as a M4U (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the remainder of Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, which is vacant and is zoned Light Industrial (LI) District. Beyond this are the corporate limits of the City of Rockwall followed by *Phase 1* of the Carrington Farms Subdivision, which is situated within the City of Fate. Also, north of this tract is a 6.4470-acre vacant tract of land (*i.e. Tract 3 of the J H B Jones Survey, Abstract No. 125*), which is zoned Light Industrial (LI) District and also owned by the Rockwall Economic Development Corporation (REDC).

South: Directly south of the subject property is Springer Road, which is identified as a M4U (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this roadway is the *Springer Water Tower*, which is owned by the City of Rockwall and is zoned Light Industrial (LI) District. Beyond this is a 7.571-acre parcel of land (*i.e. Lot 1, Block 1, Highway 276 Self Storage*) that is developed with a *Mini-Warehouse Facility* (*i.e. Highway 276 Self Storage*) and is zoned Light Industrial (LI) District.

East: Directly east of the subject property is a 60.30-acre tract of vacant land (*i.e. Tract 5, of the J H B Jones Survey, Abstract No. 125*), which is zoned Light Industrial (LI) District. Beyond that is Rochell Road, which is classified as an A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond that is a 174.5990-acre vacant tract of land (*i.e. Tract 1, of the M E Hawkins Survey, Abstract No. 100*), which is zoned Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District and General Retail (GR) District land uses (*i.e. Discovery Lakes Subdivision*).

West: Directly west of the subject property is a 38.9320-acre parcel of land (*i.e. Lot 2, Block B, Rockwall Technology Park Phase III*) that is developed with a *Light Manufacturing Facility* (*i.e. Bimbo Bakery*). This property is zoned Light Industrial (LI) District. Beyond this is a 12.00-acre parcel of land (*i.e. Lot 3, Block B, Rockwall Technology Park, Phase II*) that is developed with a *Light Manufacturing Facility* (*i.e. RTT Engineered Solutions*). This property is also zoned Light Industrial (LI) District. Beyond that is a 10.649-acre vacant parcel of land (*i.e. Lot 1, Block B, Rockwall Technology Park Phase II*), which is zoned Light Industrial (LI) District. Beyond this is Corporate Crossing which is identified as an A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

MAP 1: LOCATION MAP
YELLOW: SUBJECT PROPERTY



CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan and conceptual building elevations showing the proposed layout and future phasing plan for a *Heavy Manufacturing Facility* (*see Figure 1*). According to the concept plan, the initial phase of the proposed facility will consist of a two (2) story building with a 145,452 SF building footprint. The first floor will consist of 145,452 SF and the second floor will consist of 65,832 SF for a total proposed square footage of 211,284 SF. In addition to the *Heavy Manufacturing Facility*, the concept plan also shows the location of the heat pump tanks, liquid hydrogen and nitrogen storage yards, and a recycling area adjacent to the loading docks. The proposed facility will have access off of Discovery Drive, Data Drive, and Springer Road. The proposed Phasing Plan shows the possibility of six (6) additional phases, stating that these phases could be constructed in unison with each other or independently of each other. This plan also shows the future provision of parking

along the entrance adjacent to Discovery Boulevard, and a potential ten (10) acre expansion site east of the subject property (*see Figure 2*).

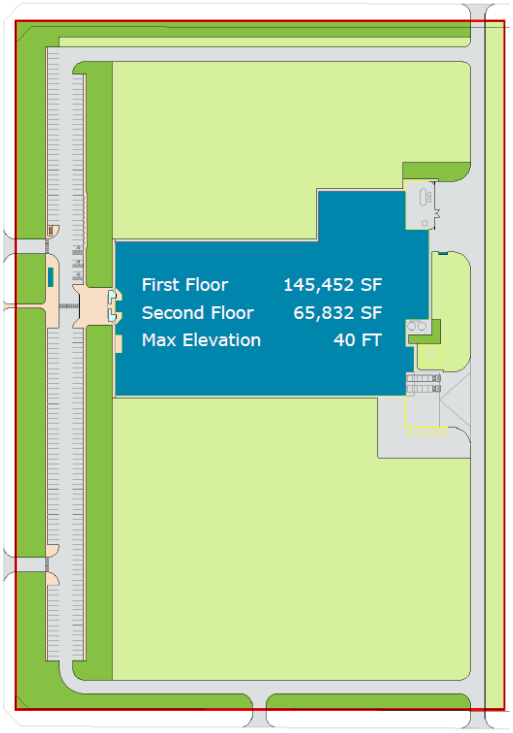


FIGURE 1. PHASE 1 CONCEPT PLAN

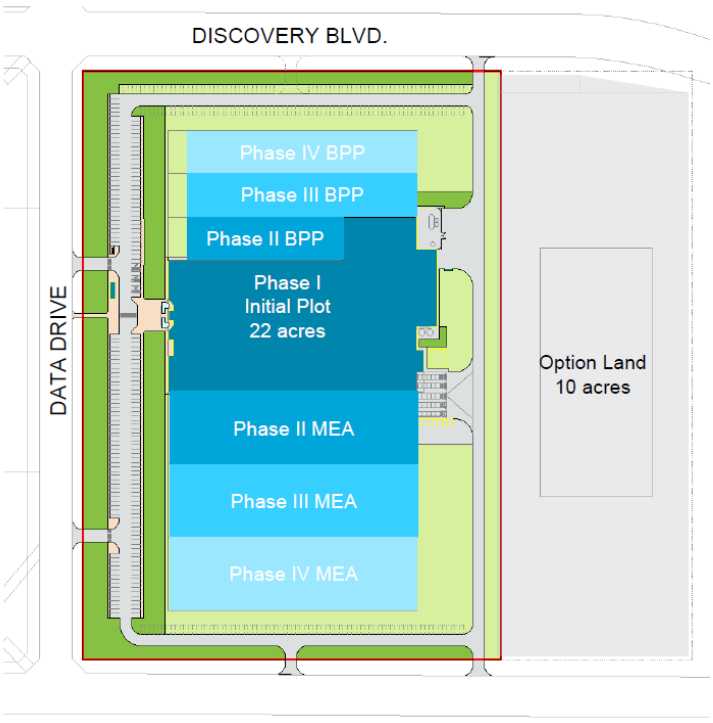


FIGURE 2. FUTURE PHASING PLAN

The proposed conceptual building elevations submitted by the applicant appear to be consistent with the existing design scheme of the Rockwall Technology Park, and does a good job of incorporating elements from the adjacent buildings (*i.e. Bimbo Bakery and Pratt Industries*) while still creating a unique identity (*see Figure 3*).



FIGURE 3. CONCEPTUAL BUILDING ELEVATIONS

CONFORMANCE WITH THE CITY'S CODES

According to Article 13, *Definitions*, of the Unified Development Code (UDC), a *Heavy Manufacturing Facility* is defined as "(a) facility or area for generally mass-producing goods usually for sale to wholesalers or other industrial or manufacturing uses..." This definition goes on to state that "(a) heavy manufacturing use is one which employs the following or similar types of processes: … [3] production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes …" In this case, the proposed facility will be used for the production of hydrogen fuel cells and hydrogen fuel cell engines that are incorporated into busses, trains, trucks, boats, and heavy machinery. According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), a *Heavy Manufacturing Facility* requires a Specific Use Permit (SUP) in a Light Industrial (LI) District. The purpose of this requirement is to acknowledge that not all *Heavy Manufacturing Facilities* may be appropriate within the City's Light Industrial (LI) Districts, and that the City Council should have discretionary oversite with regard to *Heavy Manufacturing Facilities* and their impacts within these areas.

OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the *Future Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is situated within the *Technology District* and is designated for *Technology/Employment Center* land uses. This land use designation is defined as being "… characterized by employment-oriented businesses, which are generally situated in larger centers (*e.g. Rockwall Technology Park*) with access to key transportation networks." According to the *District Strategies* for the *Technology District* properties designated for *Technology/Employment Center* land uses "…should be designated for larger clean industrial businesses that can help diversify the City's tax base…" In this case, the applicant is proposing a *Heavy Manufacturing Facility* that specializes in the construction of hydrogen fuel cells and hydrogen fuel cell engines. This type of business is characterized as a clean industrial business, and should further diversify the City's tax base by adding another industrial land use that involves a high initial investment in the community. In addition, the phasing plan shows that through future phases this facility could continue to grow and further add to the City's tax base. Based on this, the proposed facility appears to conform to the OURHometwon Vision 2040 Comprehensive Plan.

STAFF ANALYSIS

In this case, the proposed concept plan and conceptual building elevations appear to conform with all of the density and dimensional requirements for a property in a Light Industrial (LI) District. The applicant's proposal also appears to conform with intent of the OURHometown Vision 2040 Comprehensive Plan. Staff has included provisions in the Specific Use Permit (SUP) ordinance that will require general conformance with the concept plan and conceptual building elevations at the time of site plan approval. At the request of the applicant, staff has also included a four (4) year initial term for the Specific Use Permit (SUP). This appears to be warranted due to the large scale of the proposed facility and the amount of time that may be necessary to establish the proposed land use. To allow for additional flexibility staff has also included the ability for the applicant to extend the Specific Use Permit (SUP) at the discretion of the City Council.

When considering the requested *Heavy Manufacturing Facility* land use, it appears that this particular land use (*i.e. the production of hydrogen fuel cells and hydrogen fuel cell engines*) fits the Rockwall Technology Park and -- *based on the presentation provided by the applicant* -- does not appear to have any negative impacts on 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 October 23, 2023, staff mailed 16 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Timber Creek Homeowner's Association (HOA), which is the only Homeowners' Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff has not received any responses in favor or opposition of 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 *Heavy Manufacturing Facility* on the subject property, then staff would propose the following conditions of approval:

(1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:

(a) The development of *Phase 1* of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.

(b) The development of the *Subject Property* shall generally conform to the *Phasing Plan* as depicted in *Exhibit 'C'* of the Specific Use Permit (SUP) ordinance.

(c) The development of the *Subject Property* shall generally conform with the architecture and design images depicted in the *Concept Building Elevations* contained in *Exhibit 'D'* of this ordinance; however, conformance to the *Concept Building Elevations* does not constitute a waiver, variance, or exception to any of the development requirements contained in the Unified Development Code (UDC). In addition, development of the subject property shall be subject to recommendations made by the Architecture Review Board (ARB) through the site plan review process.

(d) In the event that the property owner fails to complete the *Phase 1* improvements depicted in *Exhibit 'B'* of this ordinance and does *not* receive a Certificate of Occupancy (CO) from the City of Rockwall within a period of four (4) years from the approval date of this ordinance (*i.e. December 3, 2027*) this Specific Use Permit (SUP) shall expire. If an extension of the Specific Use Permit (SUP) is necessary, the property owner shall submit a request in writing to the Director of Planning and Zoning no less than 90 days prior to the expiration date of this ordinance (*i.e. prior to September 4, 2027*). Upon receipt of a request for an extension, the Director of Planning and Zoning shall bring the request forward to Planning and Zoning Commission and City Council for review. The Planning and Zoning Commission and City Council shall be charged with determining if an extension of the Specific Use Permit (SUP) is warranted. This shall be conducted in accordance with the process and procedures outlined in Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and with which this ordinance was originally adopted.

(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 November 14, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 7-0.

DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:
- ☐ MASTER PLAT ($100.00 + $15.00 ACRE) [1]
- ☐ PRELIMINARY PLAT ($200.00 + $15.00 ACRE) [1]
- ☐ FINAL PLAT ($300.00 + $20.00 ACRE) [1]
- ☐ REPLAT ($300.00 + $20.00 ACRE) [1]
- ☐ AMENDING OR MINOR PLAT ($150.00)
- ☐ PLAT REINSTATEMENT REQUEST ($100.00)

SITE PLAN APPLICATION FEES:
- ☐ SITE PLAN ($250.00 + $20.00 ACRE) [1]
- ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN ($100.00)

ZONING APPLICATION FEES:
- ☐ ZONING CHANGE ($200.00 + $15.00 ACRE) [1]
- ☒ SPECIFIC USE PERMIT ($200.00 + $15.00 ACRE) [1 & 2]
- ☐ PD DEVELOPMENT PLANS ($200.00 + $15.00 ACRE) [1]

OTHER APPLICATION FEES:
- ☐ TREE REMOVAL ($75.00)
- ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS ($100.00) [2]

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	Northeast corner of Data Drive & Springer Rd				
SUBDIVISION	Rockwall Technology Park Phase V		LOT		BLOCK
GENERAL LOCATION	East of Data Drive, South of Discovery Blvd, and North of Springer Rd				

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	Light Industrial		CURRENT USE	undeveloped	
PROPOSED ZONING	Specific Use Permit		PROPOSED USE	heavy manufacturing	
ACREAGE	32.0	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	Rockwall Economic Development Corporation	☐ APPLICANT	
CONTACT PERSON	Phil Wagner	CONTACT PERSON	
ADDRESS	2610 Observation Trl, Suite 104	ADDRESS	
CITY, STATE & ZIP	Rockwall, TX 75032	CITY, STATE & ZIP	
PHONE	972-772-0025	PHONE	
E-MAIL	pwagner@rockwalledc.com	E-MAIL	

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ***Phil Wagner*** [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 ***$680.00*** *, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE* ***20th*** *DAY OF* ***OCTOBER*** *, 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."*

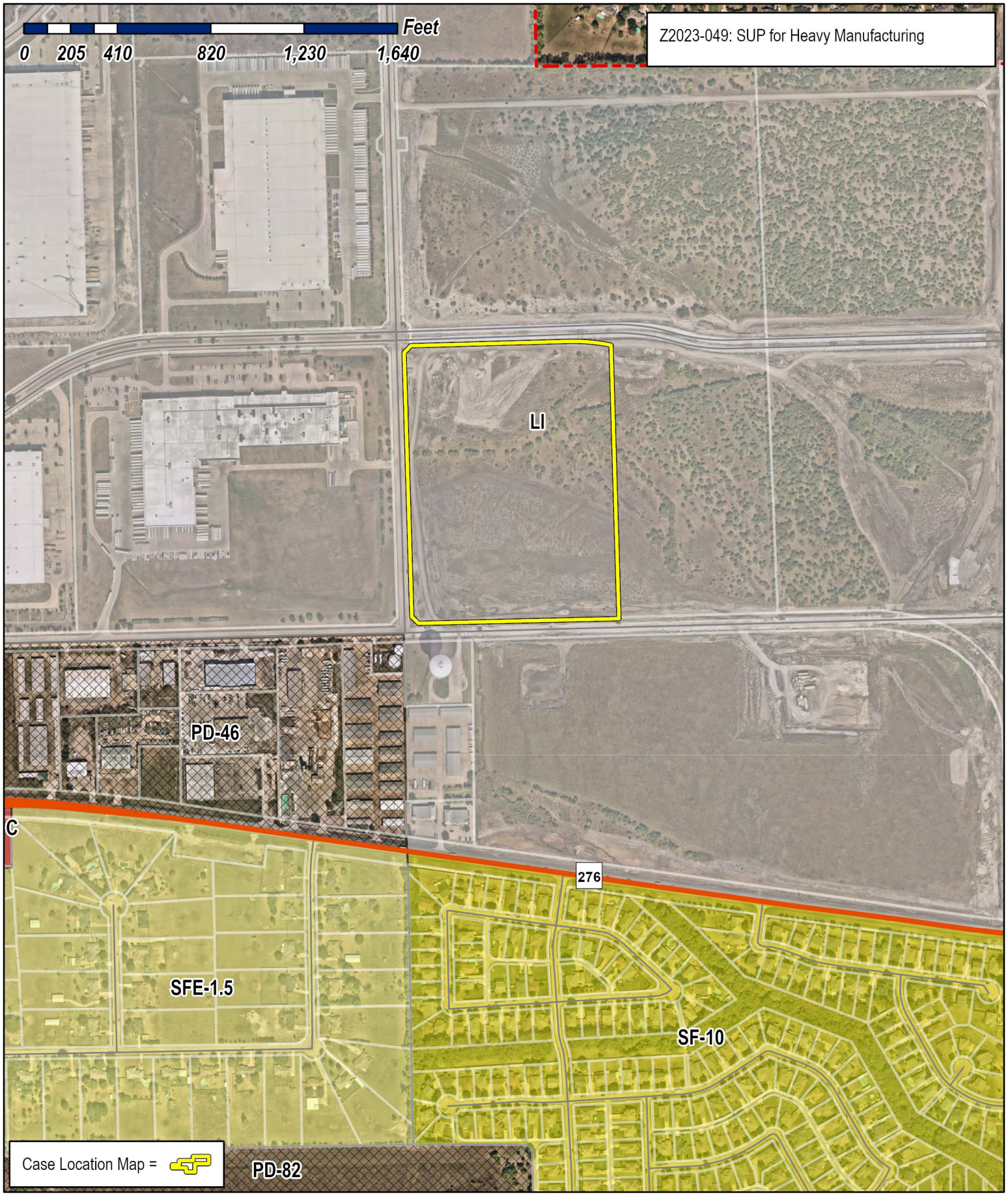
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 20th *DAY OF* October, 20 23

OWNER'S SIGNATURE Phillip Wagner

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Jennifer Hammonds

JENNIFER L. HAMMONDS
Notary Public, State of Texas
ID # 13230083-8
My Comm. Exp. 01-06-2024

MY COMMISSION EXPIRES 1/6/24



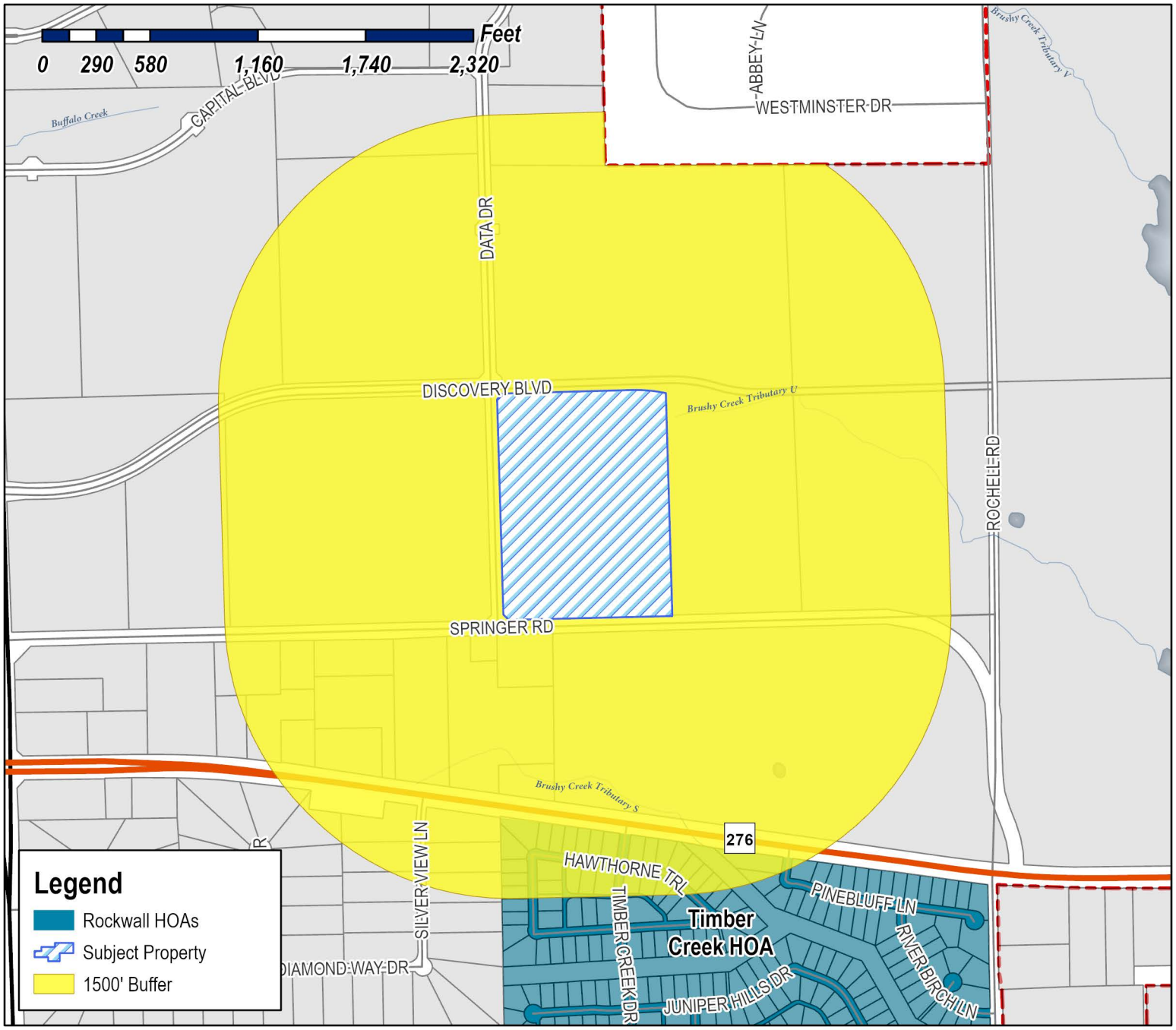
City of Rockwall
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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.

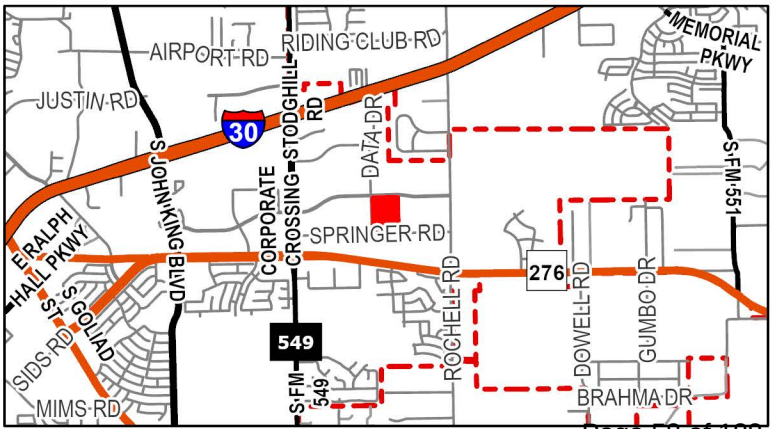
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Case Number: Z2023-049
Case Name: SUP for Heavy Manufacturing
Case Type: Zoning
Zoning: Light Industrial (LI) District
Case Address: SWC of Data Drive & Discovery Blvd.



Date Saved: 10/20/2023
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 [Z2023-049]
Date: Monday, October 23, 2023 4:38:11 PM
Attachments: Public Notice (P&Z) (10.23.2023).pdf
HOA Map (10.20.2023).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 October 27, 2023. The Planning and Zoning Commission will hold a public hearing on Tuesday, November 14, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, November 20, 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 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.

Z2023-049: SUP for Heavy Manufacturing
Hold a public hearing to discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a Specific Use Permit (SUP) for Heavy Manufacturing on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary.

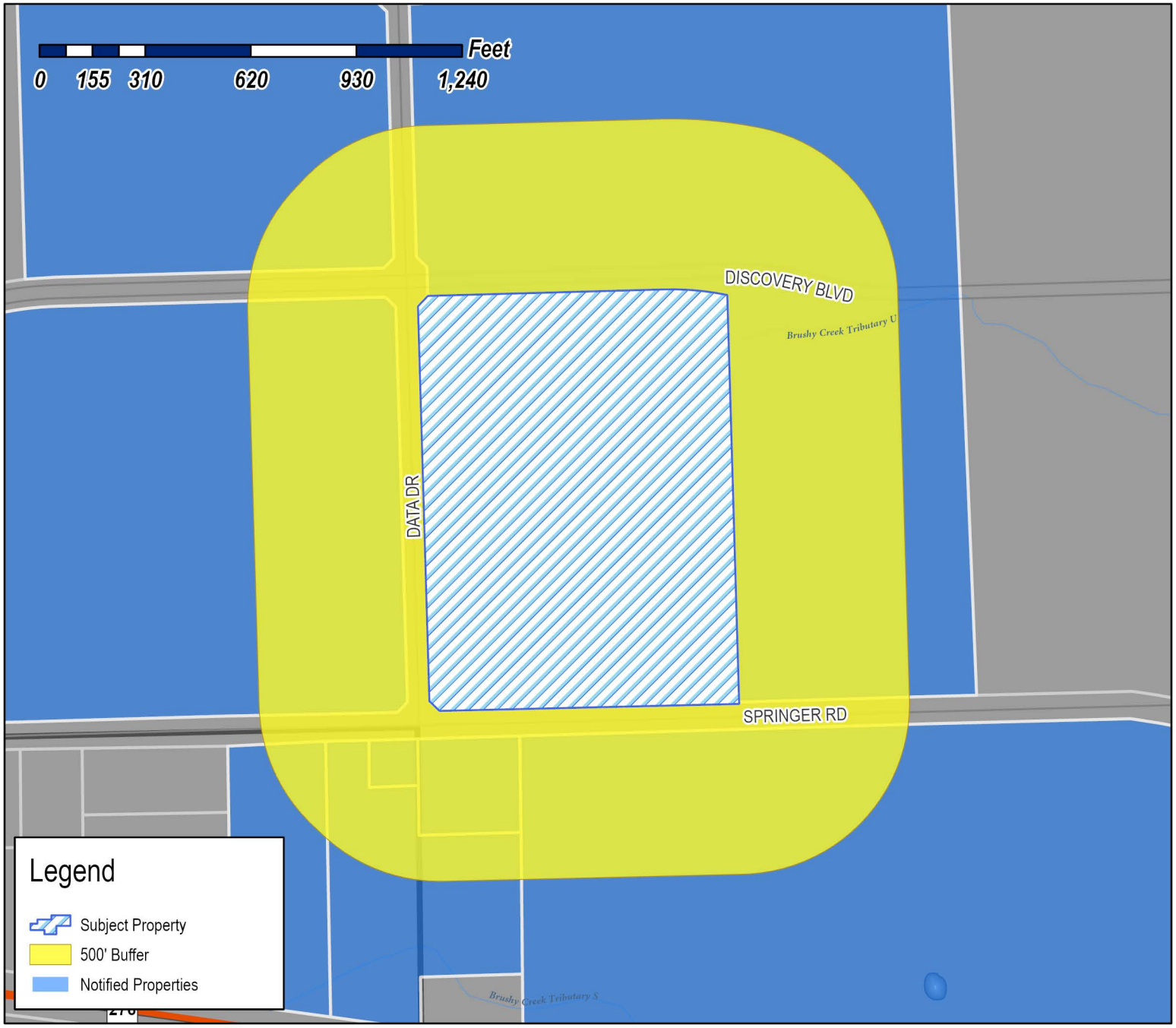
Thank You,

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

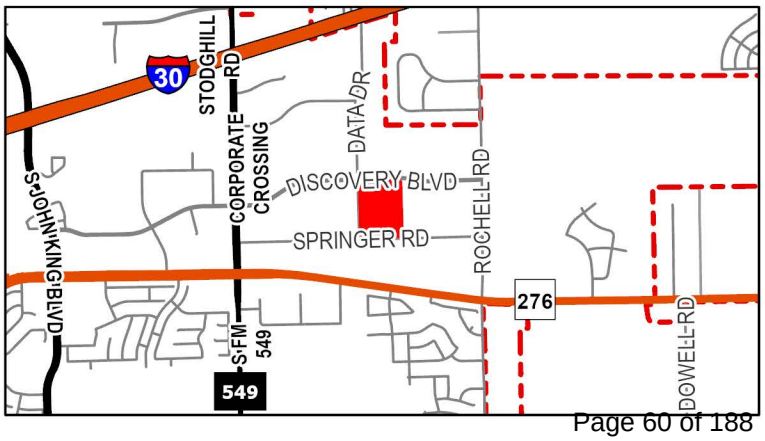
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2023-049
Case Name: SUP for Heavy Manufacturing
Case Type: Zoning
Zoning: Light Industrial (LI) District
Case Address: SWC of Data Drive & Discovery Blvd.



Date Saved: 10/20/2023
For Questions on this Case Call: (972) 771-7746

RESIDENT
HWY276
ROCKWALL, TX 75032

RESIDENT
SPRINGER LN
ROCKWALL, TX 75032

ROCKWALL ECONOMIC DEVELOPMENT
CORPORATION
2610 OBSERVATION TRAIL SUITE 104
ROCKWALL, TX 75032

RESIDENT
2640 HWY276
ROCKWALL, TX 75032

RESIDENT
2690 HWY276
ROCKWALL, TX 75032

RESIDENT
3055 DISCOVERY BLVD
ROCKWALL, TX 75032

RESIDENT
3400 DISCOVERY DR
ROCKWALL, TX 75032

RESIDENT
3465 SPRINGER RD
ROCKWALL, TX 75032

RESIDENT
3475 SPRINGER RD
ROCKWALL, TX 75032

CITY OF ROCKWALL
385 S GOLIAD ST
ROCKWALL, TX 75087

ALLEN FOODS INC
C/0 RYAN LLC
AGENT FOR BIMBO BAKERIES USA 13155 NOEL
RD #100 LB73
DALLAS, TX 75240

STAG ROCKWALL, L.P. A DELAWARE LIMITED
PARTNERSHIP
STAG INDUSTRIAL HOLDINGS, LLC
ONE FEDERAL STREET 23RD FLOOR
BOSTON, MA 2110

BLACKLAND WATER CORP
ATTN ADA JO PHILLIPS
PO BOX 215
FATE, TX 75132

LATTIMORE MATERIALS COMPANY LP
PO BOX 2469
ADDISON, TX 75001

COLIN-G PROPERTIES INC
PO BOX 847
ROCKWALL, TX 75087

ROCKWALL ECONOMIC DEVELOPMENT
PO BOX 968
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:

Z2023-049: SUP for Heavy Manufacturing
Hold a public hearing to discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a *Specific Use Permit (SUP)* for *Heavy Manufacturing* on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery 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, November 14, 2023 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 20, 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:

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

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

Your comments must be received by *Monday, November 20, 2023 at 4:00 PM* to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

USE THIS QR CODE TO GO DIRECTLY TO THE WEBSITE

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

PLEASE RETURN THE BELOW FORM

Case No. Z2023-049: SUP for Heavy Manufacturing

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

ROCKWALL
Economic Development Corporation

October 20, 2023

Ryan Miller
Director of Planning
City of Rockwall
385 S. Goliad Street,
Rockwall, TX 75087

Dear Mr. Miller,

Enclosed you will find an application and supporting materials requesting the Planning and Zoning Commission and City Council grant a Specific Use Permit (SUP) for "Heavy Manufacturing" to occur on 32 acres within the Rockwall Technology Park, at the northeast corner of Data Drive and Springer Road.

For the past five months, the Rockwall Economic Development Corporation (REDC) has been working to recruit Ballard Power Systems (Ballard), an international leader in the development of hydrogen fuel cells, to establish their future US manufacturing location. After a search that evaluated 40 sites across 10 states, representatives from Ballard have chosen Rockwall and the new third phase of the Technology Park as their preferred location. This decision has recently been memorialized through a Letter of Intent with the REDC, and a formal Development Agreement is currently being drafted.

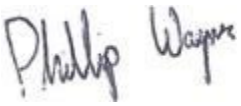
Ballard will provide significant benefits to Rockwall, as their anticipated $115M investment would represent the highest tax value of any one entity in the community. The company may also expand in the future, adding significantly more taxable value to their initial investment. Further, Ballard will create dozens of high-quality jobs. We believe this type of advanced manufacturing project – one that deploys high value equipment to create cutting-edge technology – aligns with the intended purpose of the Rockwall Technology Park and the mission of the REDC.

REDC representatives have vetted the company to determine financial viability, environmental impact, and community fit. Earlier this year, I received a tour of their existing North American facilities. We feel confident that the company will be a good corporate citizen to their neighbors in the Technology Park, as well as the overall community, with minimal outside impact caused by their operations. Ballard representatives have put together a presentation describing the project, as well as a high-level overview of their manufacturing process. A company representative plans to be at the Planning and Zoning Commission Work Session, as well as the first reading of the City Council, to answer any specific questions. REDC representatives will also be at all meetings.

2610 Observation Trail, Suite 104, Rockwall, Texas 75032 972-772-0025 Rockwalledc.com

The REDC kindly requests a four-year window on the SUP, to allow for contractor selection, building design, construction, equipment delivery, installation, and testing prior to production.

Sincerely,



Phil Wagner
President

Concept Architecture



Natural Stone



Platinum PLANC™

Large Format Stone Veneer

PRODUCT DETAILS BELOW. This is the stone and color that inspired the Planc Series with a trending color and the unique surface texture that you'll only find with natural stone. *Order your sample kit today!*

Example



Concept Architecture

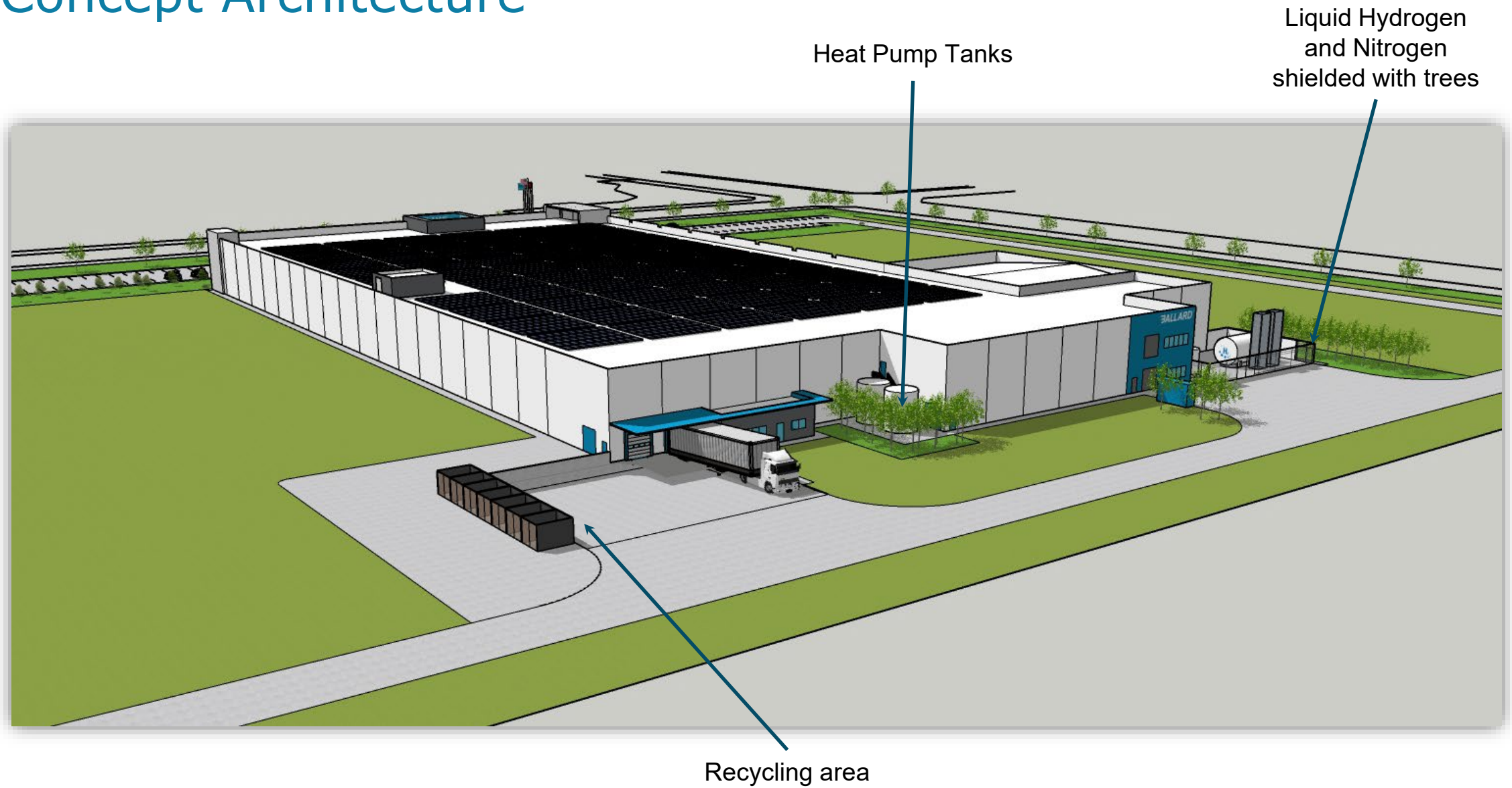


WEST
DATA DRIVE

Concept Architecture



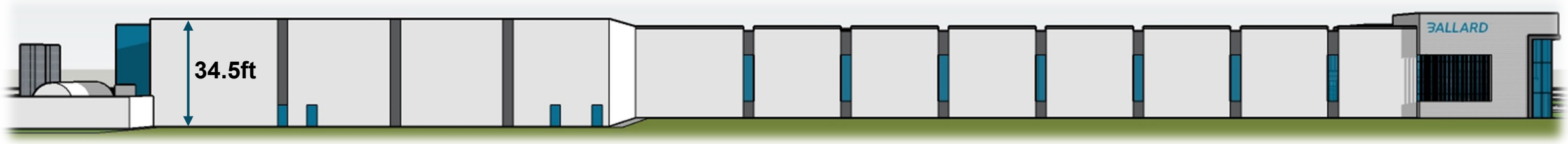
Concept Architecture



Elevations

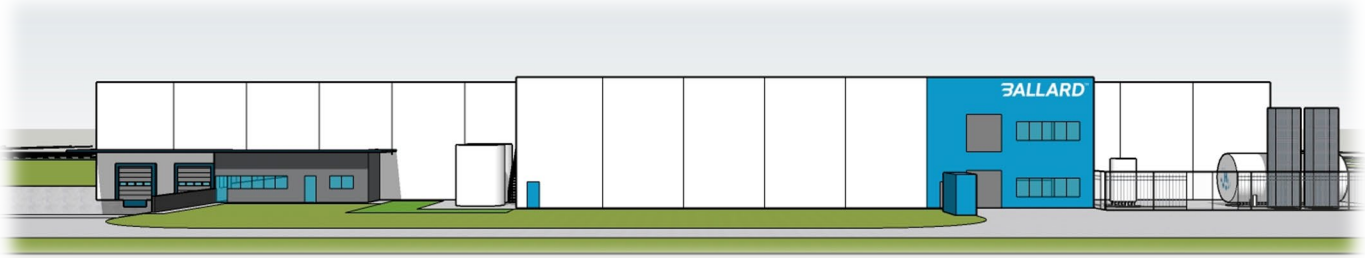


WEST
DATA DRIVE



NORTH
DISCOVERY BLVD

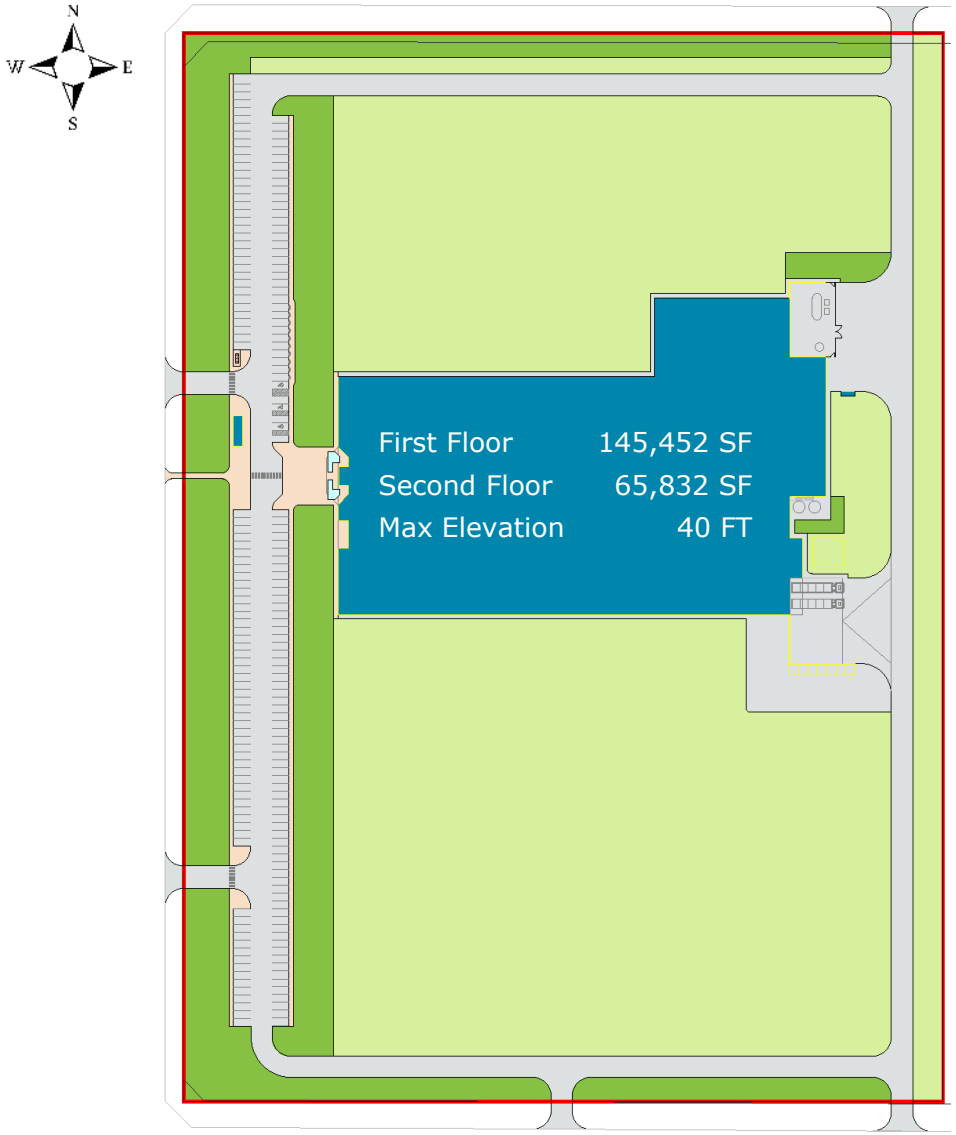
EAST
ROCHELL ROAD





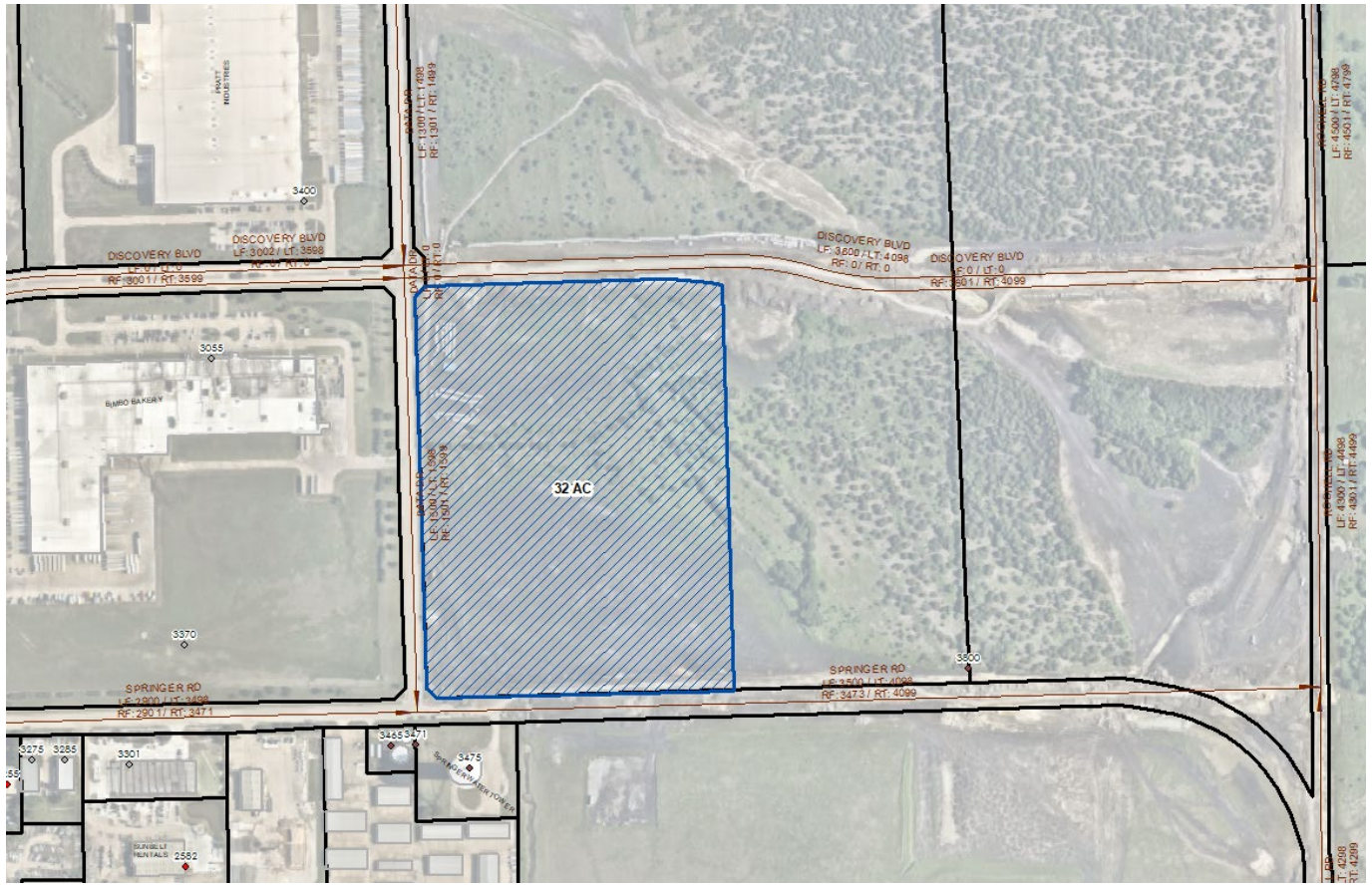
SOUTH
SPRINGER ROAD

Phase 1 Plot Layout

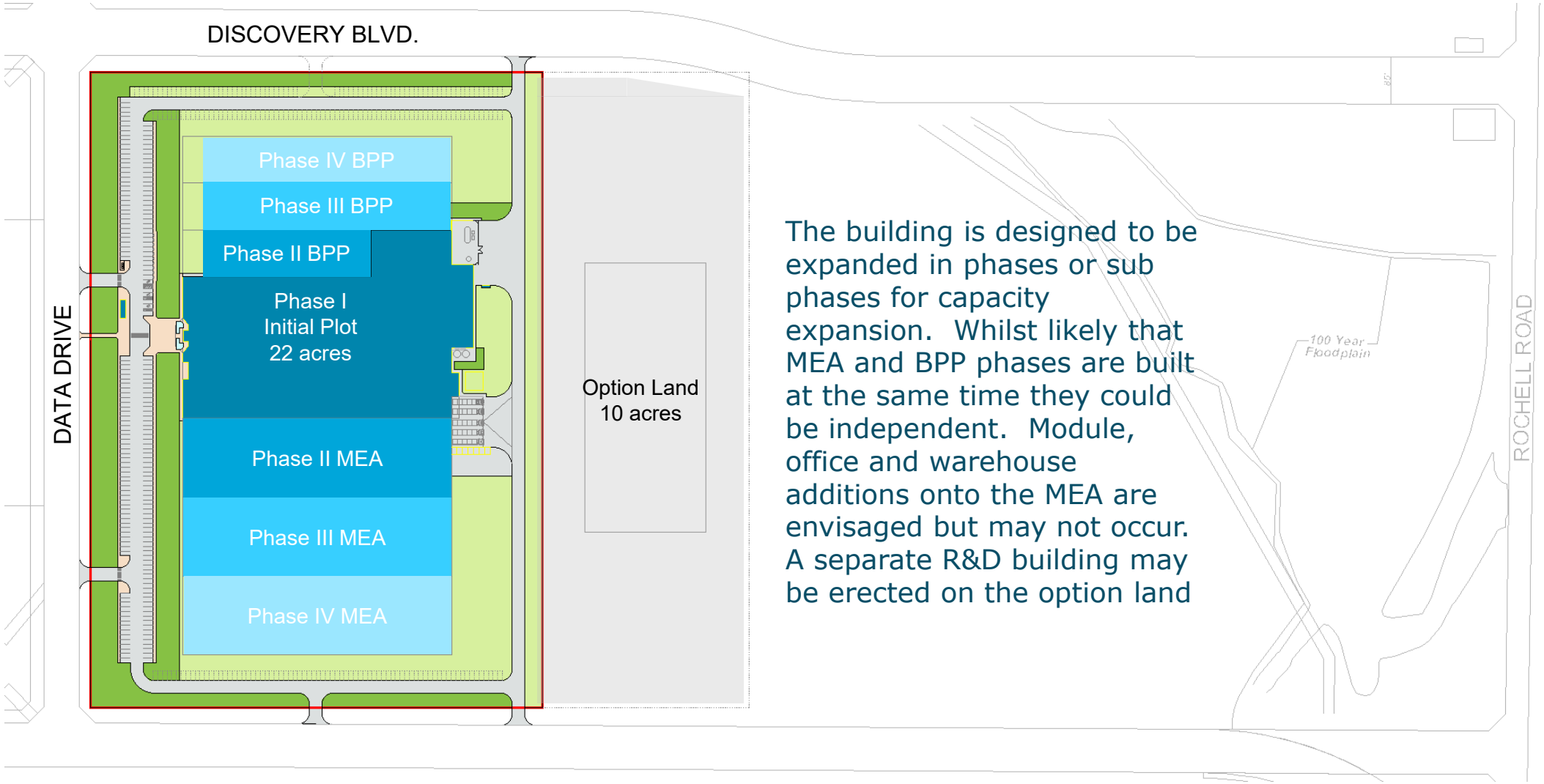


Landscaping

Phase 1 is positioned to enable the subsequent phases of the building with minimal disruption. Car parking provided for 201 vehicles



Expansion Including Option Land



The building is designed to be expanded in phases or sub phases for capacity expansion. Whilst likely that MEA and BPP phases are built at the same time they could be independent. Module, office and warehouse additions onto the MEA are envisaged but may not occur. A separate R&D building may be erected on the option land



Ballard Rockwall Facility

Hydrogen Revolution

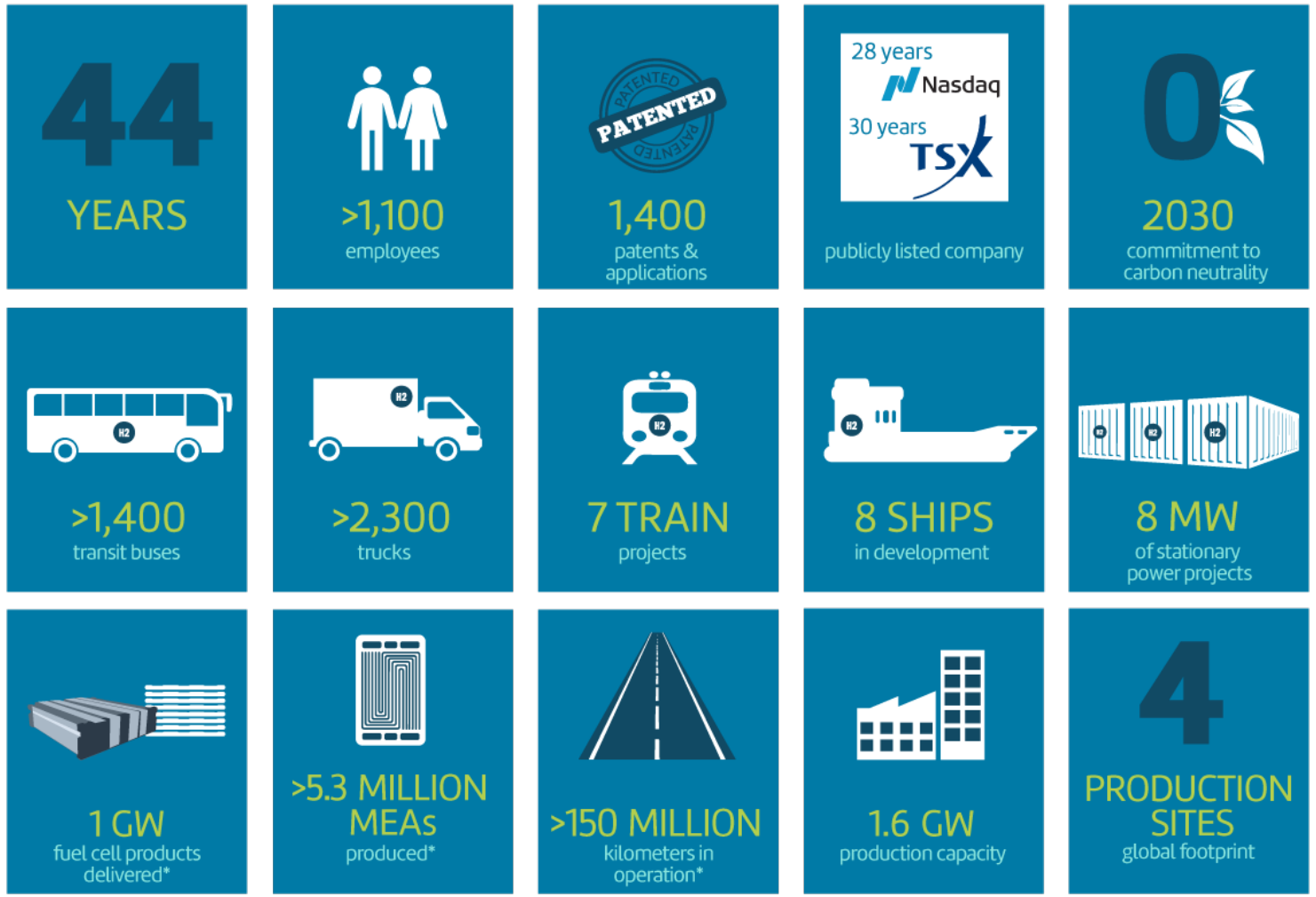


Gulf Coast Hydrogen Hub awarded $1.2B to develop hydrogen production capacity

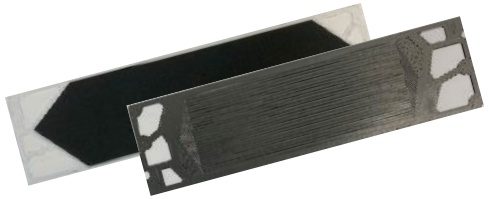
We need to co-develop the Fuel Cell engines to convert that hydrogen to electricity

Ballard's investment in Fuel Cell engine production in Rockwall will help drive the energy transition

Who are we?

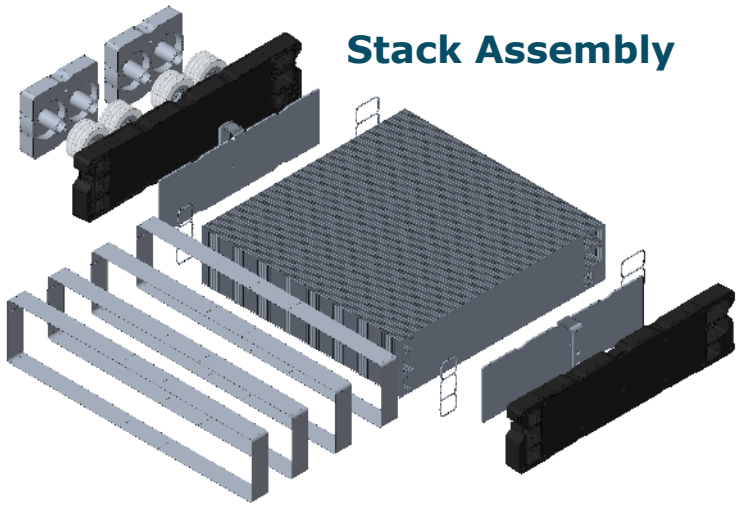

44
YEARS
>1,100
employees
PATENTED
1,400
patents & applications
28 years
Nasdaq
30 years
TSX
publicly listed company
0
2030
commitment to carbon neutrality
>1,400
transit buses
>2,300
trucks
7 TRAIN
projects
8 SHIPS
in development
8 MW
of stationary power projects
1 GW
fuel cell products delivered*
>5.3 MILLION
MEAs
produced*
>150 MILLION
kilometers in operation*
1.6 GW
production capacity
4
PRODUCTION SITES
global footprint
*compiled from 2015

MEA & BPP manufacturing and assembly operations



Membrane Electrode Assembly (**MEA**)
+ Bipolar plate (**BPP**)
Component Manufacturing

Stack Assembly



Engine Assembly

Hydrogen
H_2

Stacks

DC power

Oxygen
from air
O_2

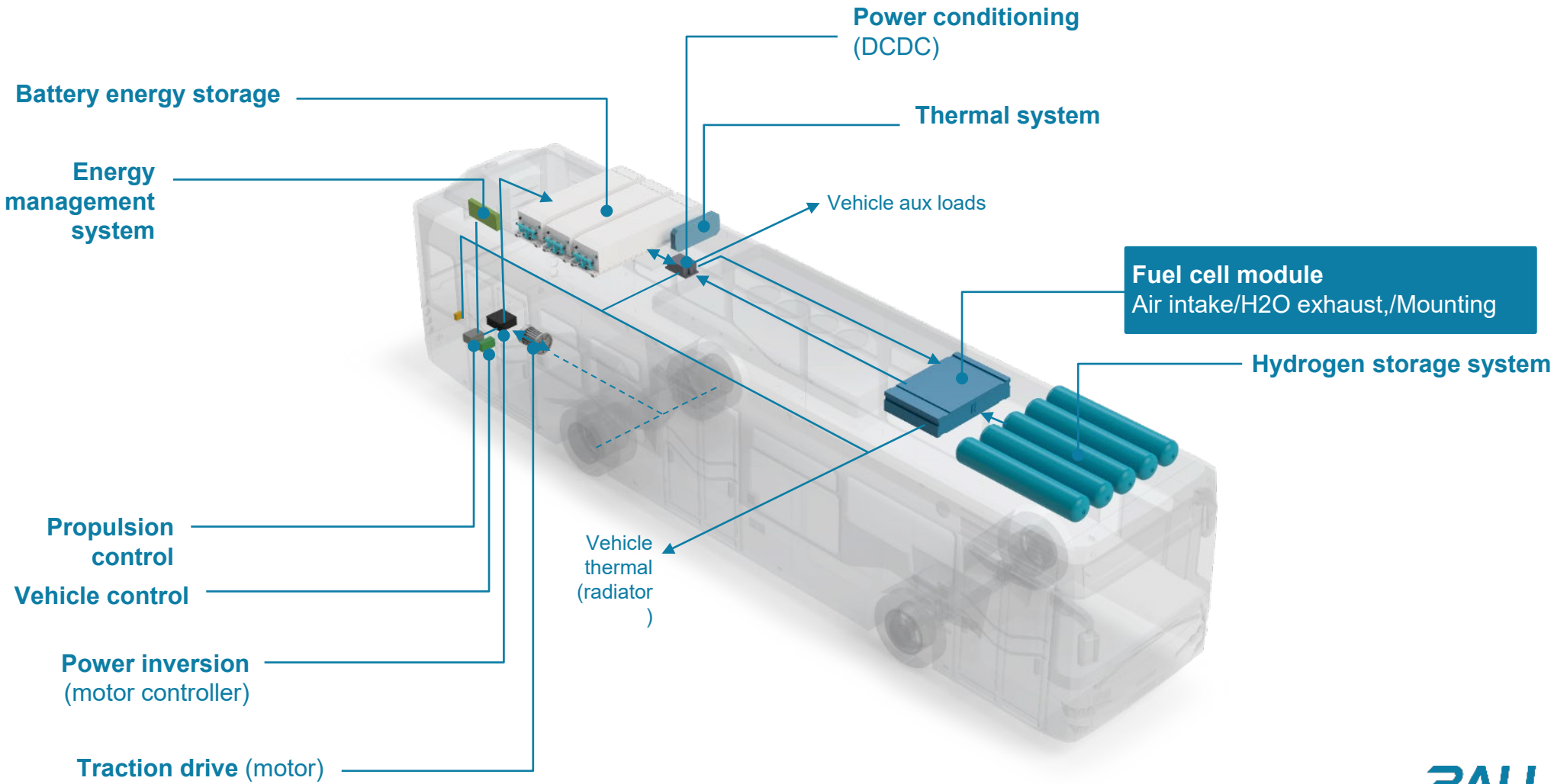
Balance of Plant
- Air filter
- Air compressor
- Humidifier
- H2 recirculation pump
- Cooling (inc. pump)
- Controller
- Power conditioning

H_2O Pure Water

The facility will **manufacture MEAs, BPPs and** assembly into **stacks**, which then are sold or combined with purchased balance of plant components to produce a **fuel cell engine**

Customer Integration

Customers integrate fuel cell modules into the vehicle to produce a Fuel Cell Electric Vehicle



Our Markets

Applications powered by Ballard

160 Fuel Cell Electric Buses in USA

100% powered by Ballard













MEA Manufacturing



MEA Manufacturing highly automated and similar to battery cell production, but with low chemicals consumption.

Solvents emissions abated with best available technology

Solvents used in inks are alcohol and water

Water required is less than 250 gallons/day and 2 x 55 gallon drums of alcohol per month

1 **Catalyst + Ionomer**

Mixing ink for coating process

2 **Coating** anode & cathode ink solution onto membrane

Membrane

Cathode / Membrane / Anode

Catalyst Coated Membrane (CCM) **Roll**

3 **Gas Diffusion Layer** (GDL)

Converting roll into sheet form

4 **Printing** adhesive layer to GDL

Cathode + Anode GDL Sheets

5 GDL (Cathode) / Cathode / Membrane / Anode / GDL (Anode)

Bonding the layers into single sheet

6 **Cutting** final geometry shape

7 **MEA**

GDL (Cathode) / Cathode / Membrane / Anode / GDL (Anode)

Sealing with silicone

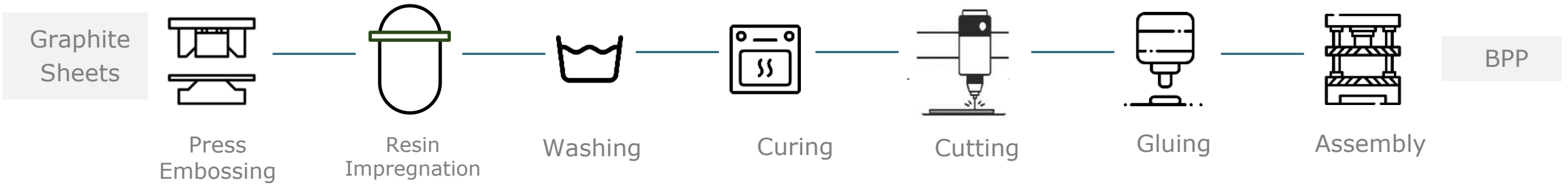
CONFIDENTIAL

BPP Manufacturing



Bipolar Plate manufacturing has been developed as a **water and solvent free** process so no waste water emissions

Fully automated process from start to finish

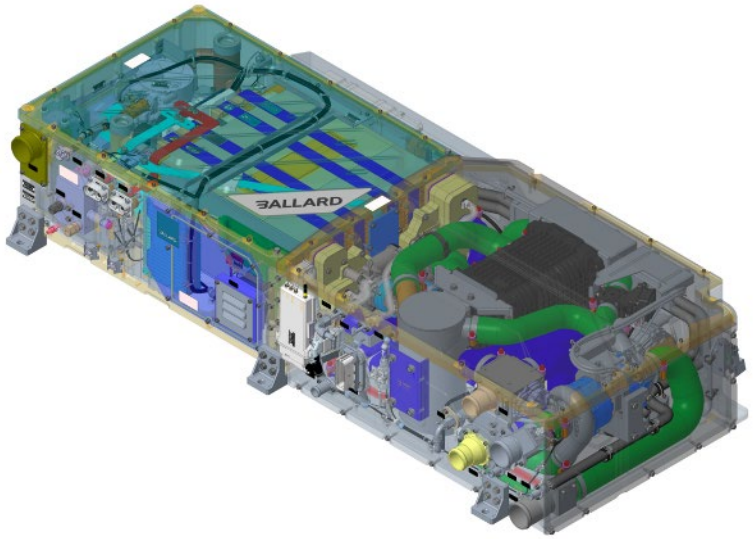


CONFIDENTIAL

Stack and Engine Assembly, with test

Stacks assembled by placing MEAs and BPPs in a fully automated line.
Product tested for quality using hydrogen gas on a test station

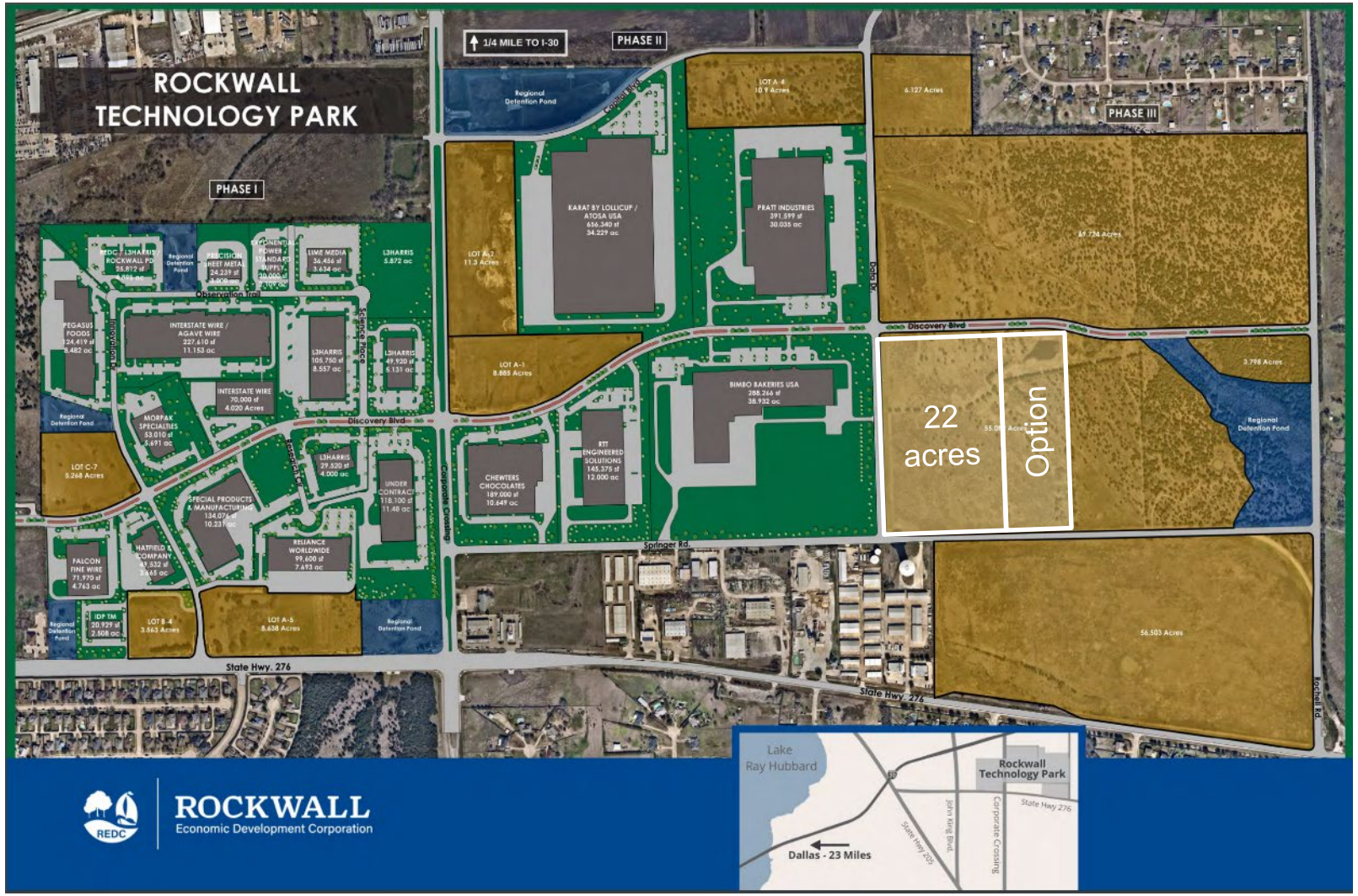




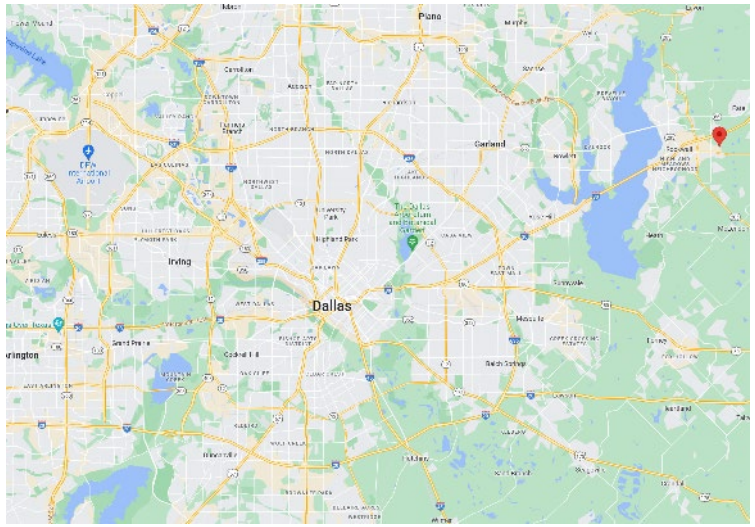


Engines assembled by skilled technicians combining stacks with balance of plant components. Engines functionality checked using hydrogen gas on a test station

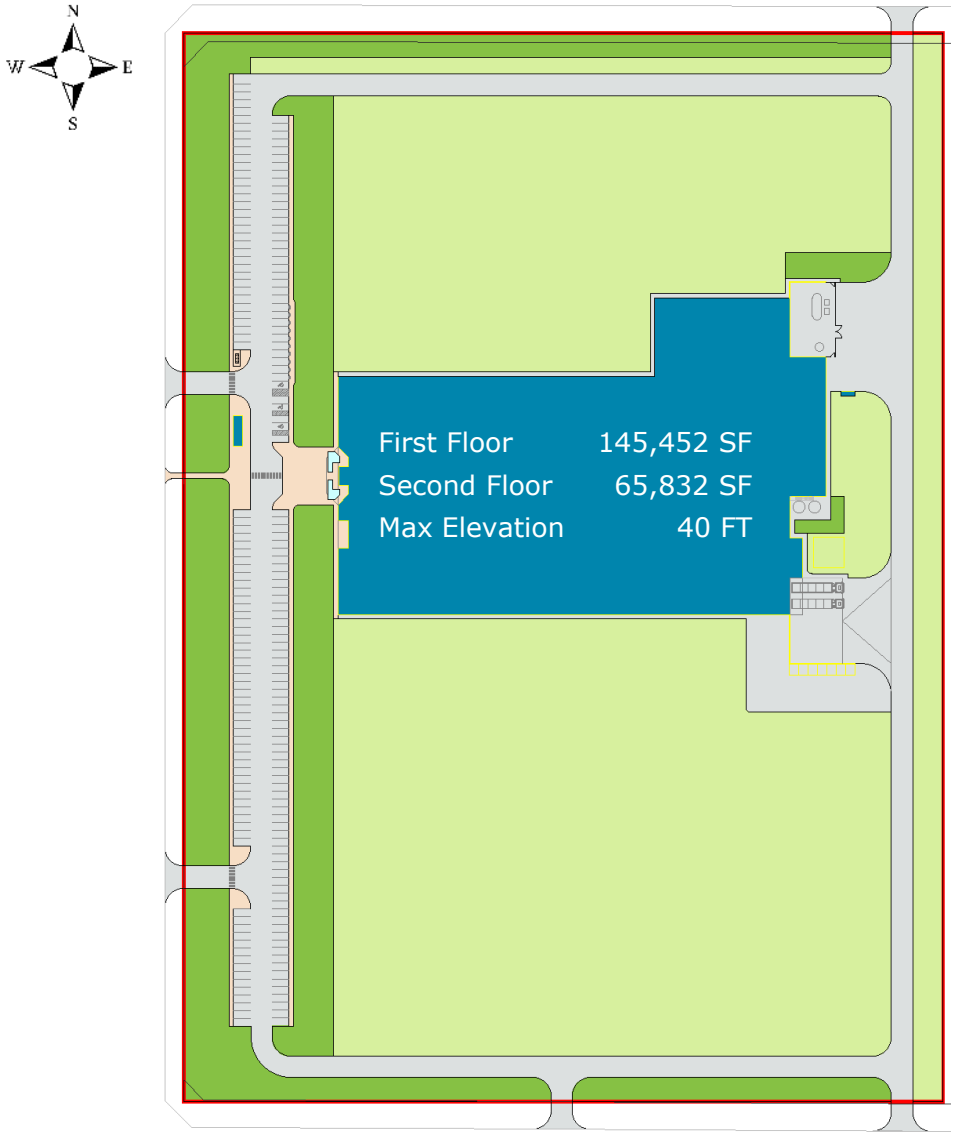
Rockwall Technology Park



22-acre site in Rockwall Technology Park with an option for an additional 10-acres.



Phase 1 Plot Layout

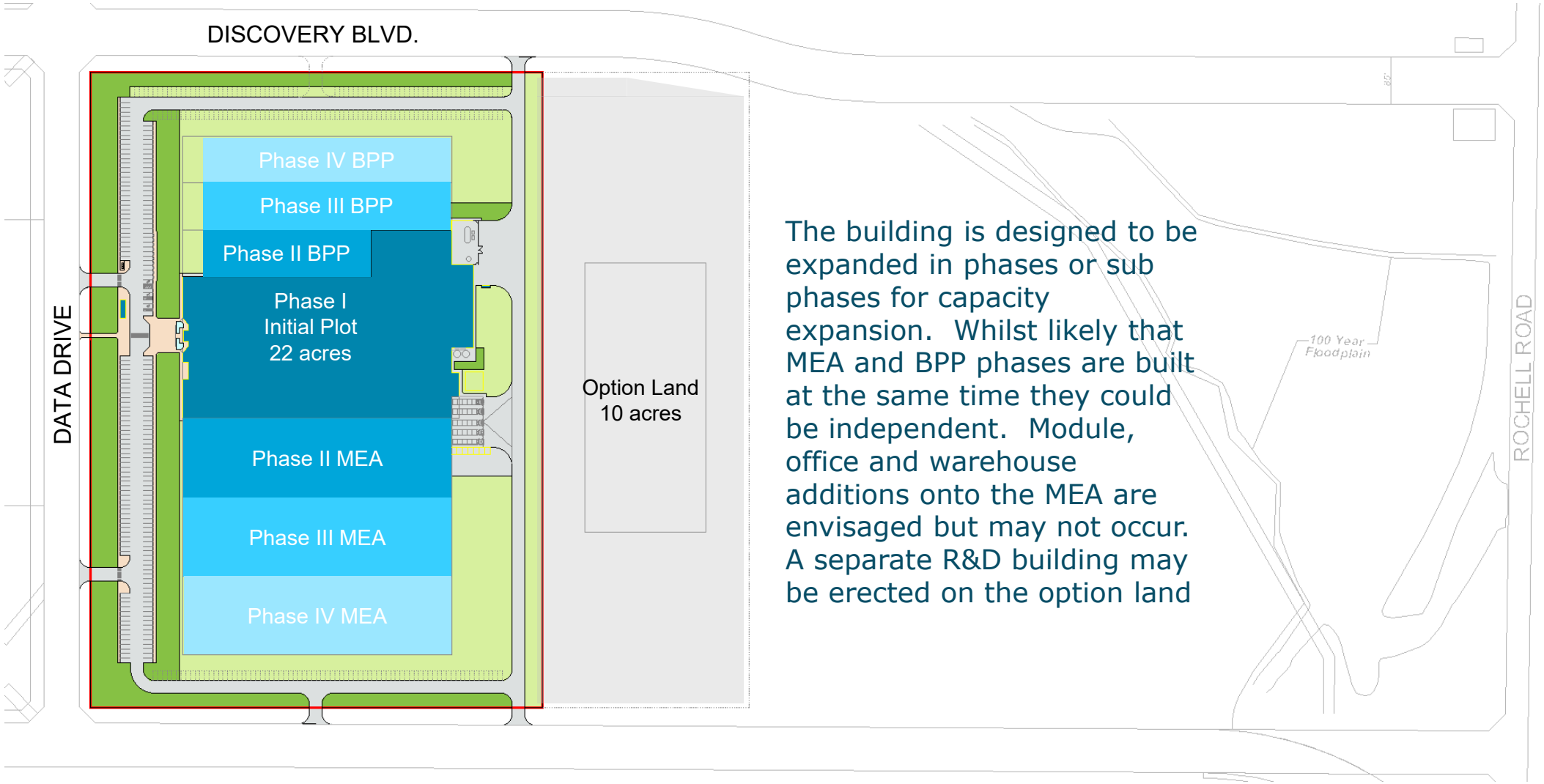


Landscaping

Phase 1 is positioned to enable the subsequent phases of the building with minimal disruption. Car parking provided for 201 vehicles



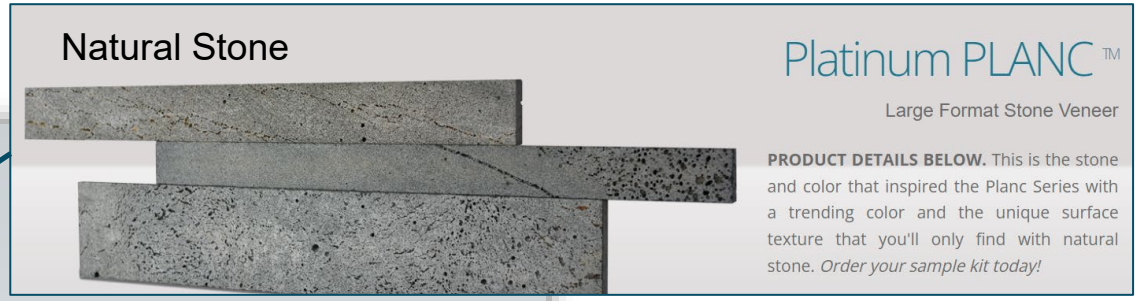
Expansion Including Option Land



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Concept Architecture





Example



Concept Architecture



WEST
DATA DRIVE

Concept Architecture

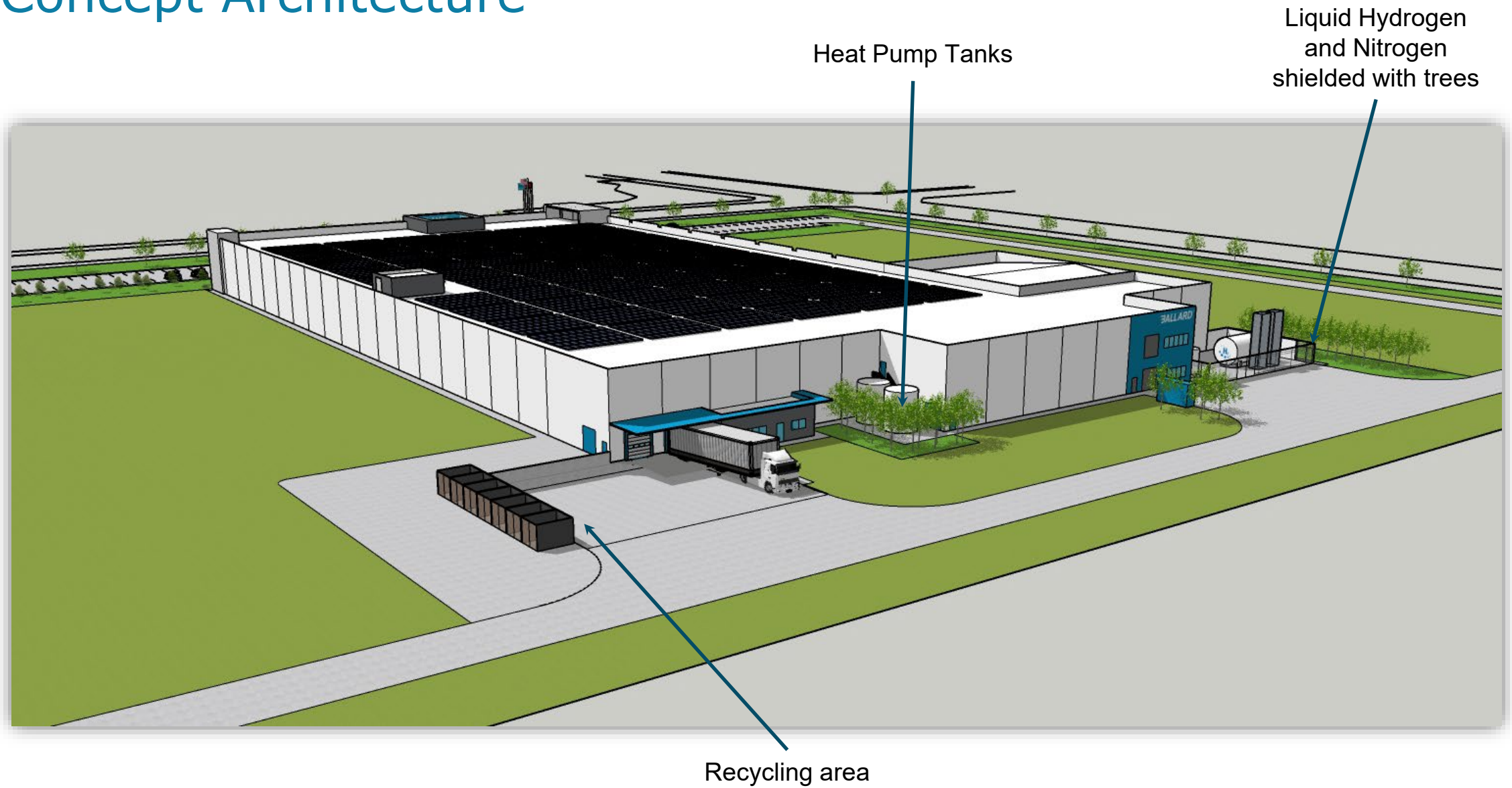




LEED requires bike parking

EV charging

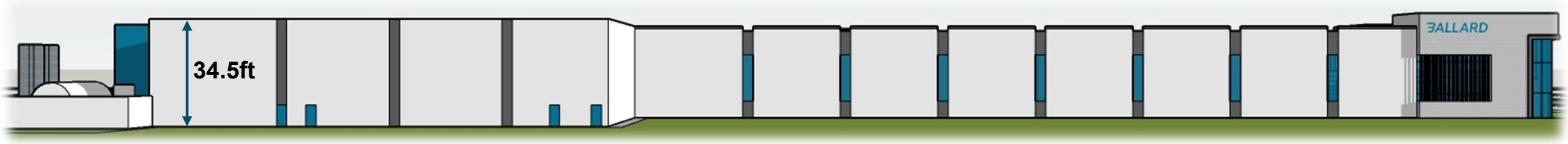
Concept Architecture



Elevations

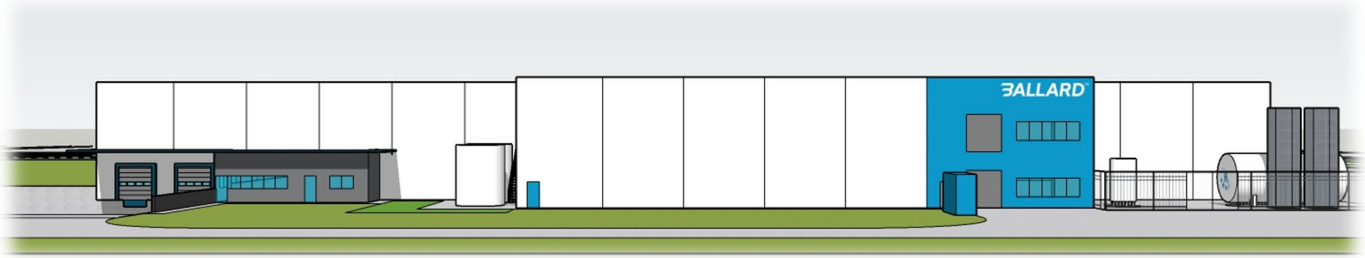


WEST
DATA DRIVE



NORTH
DISCOVERY BLVD

EAST
ROCHELL ROAD





SOUTH
SPRINGER ROAD

Carbon Neutrality 2030

Ballard is targeting net carbon zero for its operations by 2030 so this facility needs to be constructed in a way to help Ballard achieve the goals. The project should achieve **LEED Gold** requirements and include:

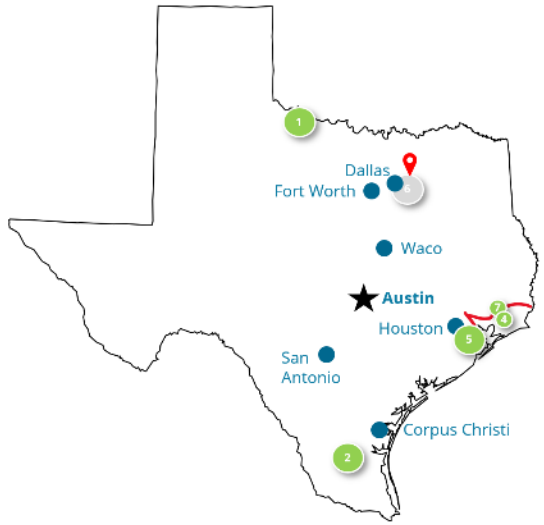
- Solar PV on roof of building
- Rain water harvesting for irrigation and potential use for toilets
- Heat pump based offices temperature control
- Heat pump AHUs for factory cleanrooms
- Regenerative Load banks for Test Stations to provide power to site, and potentially emergency backup power
- Consideration of on-site green hydrogen production for production test stations
- Use of waste heat from coating abatement to support heat pumps
- High building energy efficiency
- High solar reflectivity roof and wall panels

Liquid Hydrogen



- Example of liquid hydrogen storage and distribution system located in the Northeast part of the site.
- Appearance shielded with trees as shown in the Vancouver photo
- Wide selection of green hydrogen suppliers in Texas

Map of Hydrogen Availability



Map #	Facility	County
1	**Air Products and the AES Corporation**	**Wilbarger**
2	Green Hydrogen International	Duval
—	Air Products Hydrogen Pipeline	Harris
4	Plug Power	Jefferson
5	Air Liquide	Harris
6	Air Liquide	Dallas
7	Air Liquide (hydrogen storage facility)	Jefferson

BALLARD™

BEING a tract of land situated in the J.B. Jones Survey, Abstract No. 125 and the J.A. Ramsey Survey, Abstract No. 186, in the City of Rockwall, Rockwall County, Texas, being part of Lot 1, Block B, of Rockwall Technology Park Phase V, an addition to the City of Rockwall, as described in Document No. 20230000006632, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), said Lot being part of a tract of land described in a Deed to Rockwall Economic Development Corporation, as described in Volume 5528, Page 194, in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the most northerly northwest corner of said Lot 1, being in the south line of Discovery Boulevard (85-foot right-of-way);

THENCE North 88 degrees 23 minutes 40 seconds East, with the north line of said Lot 1 and the south line of said Discovery Boulevard, a distance of 929.29 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the point of curvature of a curve to the right, having a radius of 807.50 feet and a central angle of 13 degrees 13 minutes 52 seconds;

THENCE continuing with the north line of said Lot 1 and south line of said Discovery Boulevard, and with said curve to the right, an arc distance of 186.47 feet (Chord Bearing South 84 degrees 59 minutes 24 seconds – 186.06 feet);

THENCE South 01 degree 42 minutes 43 seconds East, departing the north line of said Lot 1 and south line of said Discovery Boulevard, a distance of 1,200.92 feet to the south line of said Lot 1, being the north line of Springer Road (80-foot right-of-way);

THENCE South 88 degrees 36 minutes 34 seconds West, with the south line of said Lot 1 and the north line of said Springer Road, a distance of 879.70 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

THENCE North 46 degrees 34 minutes 32 seconds West, continuing with the south line of said Lot 1 and north line of Springer Road, a distance of 41.45 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found in the east line of Data Drive (65-foot right-of-way);

THENCE North 01 degree 42 minutes 44 seconds West, with the west line if said Lot 1 and the east line of said Data Drive, a distance of 1,159.54 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

THENCE North 43 degrees 20 minutes 28 seconds East, continuing with the west line of said Lot 1 and east line of Data Drive, a distance of 42.39 feet to the POINT OF BEGINNING and containing 32.00 acres of land.

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 *HEAVY MANUFACTURING* ON A 32.00-ACRE PORTION OF A LARGER 77.148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. H. B. JONES SURVEY, ABSTRACT NO. 125, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a Specific Use Permit (SUP) for *Heavy Manufacturing* on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that 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. 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 a *Heavy Manufacturing* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 05.02, *Light Industrial (LI) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and as may be amended in the futur*e -- and with the following conditions:

DRAFT ORDINANCE 11.21.2023

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Heavy Manufacturing Facility* on the *Subject Property* and conformance to these conditions is required for continued operation:

1) The development of *Phase 1* of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'B'* of this ordinance.

2) The development of the *Subject Property* shall generally conform to the *Phasing Plan* as depicted in *Exhibit 'C'* of this ordinance.

3) The development of the *Subject Property* shall generally conform with the architecture and design images depicted in the *Concept Building Elevations* contained in *Exhibit 'D'* of this ordinance; however, conformance to the *Concept Building Elevations* does not constitute a waiver, variance, or exception to any of the development requirements contained in the Unified Development Code (UDC). In addition, development of the subject property shall be subject to recommendations made by the Architecture Review Board (ARB) through the site plan review process.

4) In the event that the property owner fails to complete the *Phase 1* improvements depicted in *Exhibit 'B'* of this ordinance and does *not* receive a Certificate of Occupancy (CO) from the City of Rockwall within a period of four (4) years from the approval date of this ordinance (*i.e. December 3, 2027*) this Specific Use Permit (SUP) shall expire. If an extension of the Specific Use Permit (SUP) is necessary, the property owner shall submit a request in writing to the Director of Planning and Zoning no less than 90 days prior to the expiration date of this ordinance (*i.e. prior to September 4, 2027*). Upon receipt of a request for an extension, the Director of Planning and Zoning shall bring the request forward to Planning and Zoning Commission and City Council for review. The Planning and Zoning Commission and City Council shall be charged with determining if an extension of the Specific Use Permit (SUP) is warranted. This shall be conducted in accordance with the process and procedures outlined in Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and with which this ordinance was originally adopted.

2.2 COMPLIANCE

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

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

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

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this

DRAFT ORDINANCE

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 4TH DAY OF DECEMBER, 2023.

_____
Trace Johannessen, *Mayor*

ATTEST:

_____
Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____
Frank J. Garza, *City Attorney*

1st Reading: *November 20, 2023*

2nd Reading: *December 4, 2023*

DRAFT ORDINANCE 11.20.2023

Exhibit 'A'
Legal Description

BEING a tract of land situated in the J.B. Jones Survey, Abstract No. 125 and the J.A. Ramsey Survey, Abstract No. 186, in the City of Rockwall, Rockwall County, Texas, being part of Lot 1, Block B, of Rockwall Technology Park Phase V, an addition to the City of Rockwall, as described in Document No. 20230000006632, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), said Lot being part of a tract of land described in a Deed to Rockwall Economic Development Corporation, as described in Volume 5528, Page 194, in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the most northerly northwest corner of said Lot 1, being in the south line of Discovery Boulevard (85-foot right-of-way);

THENCE North 88 degrees 23 minutes 40 seconds East, with the north line of said Lot 1 and the south line of said Discovery Boulevard, a distance of 929.29 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the point of curvature of a curve to the right, having a radius of 807.50 feet and a central angle of 13 degrees 13 minutes 52 seconds;

THENCE continuing with the north line of said Lot 1 and south line of said Discovery Boulevard, and with said curve to the right, an arc distance of 186.47 feet (Chord Bearing South 84 degrees 59 minutes 24 seconds – 186.06 feet);

THENCE South 01 degree 42 minutes 43 seconds East, departing the north line of said Lot 1 and south line of said Discovery Boulevard, a distance of 1,200.92 feet to the south line of said Lot 1, being the north line of Springer Road (80-foot right-of-way);

THENCE South 88 degrees 36 minutes 34 seconds West, with the south line of said Lot 1 and the north line of said Springer Road, a distance of 879.70 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

THENCE North 46 degrees 34 minutes 32 seconds West, continuing with the south line of said Lot 1 and north line of Springer Road, a distance of 41.45 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found in the east line of Data Drive (65-foot right-of-way);

THENCE North 01 degree 42 minutes 44 seconds West, with the west line if said Lot 1 and the east line of said Data Drive, a distance of 1,159.54 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

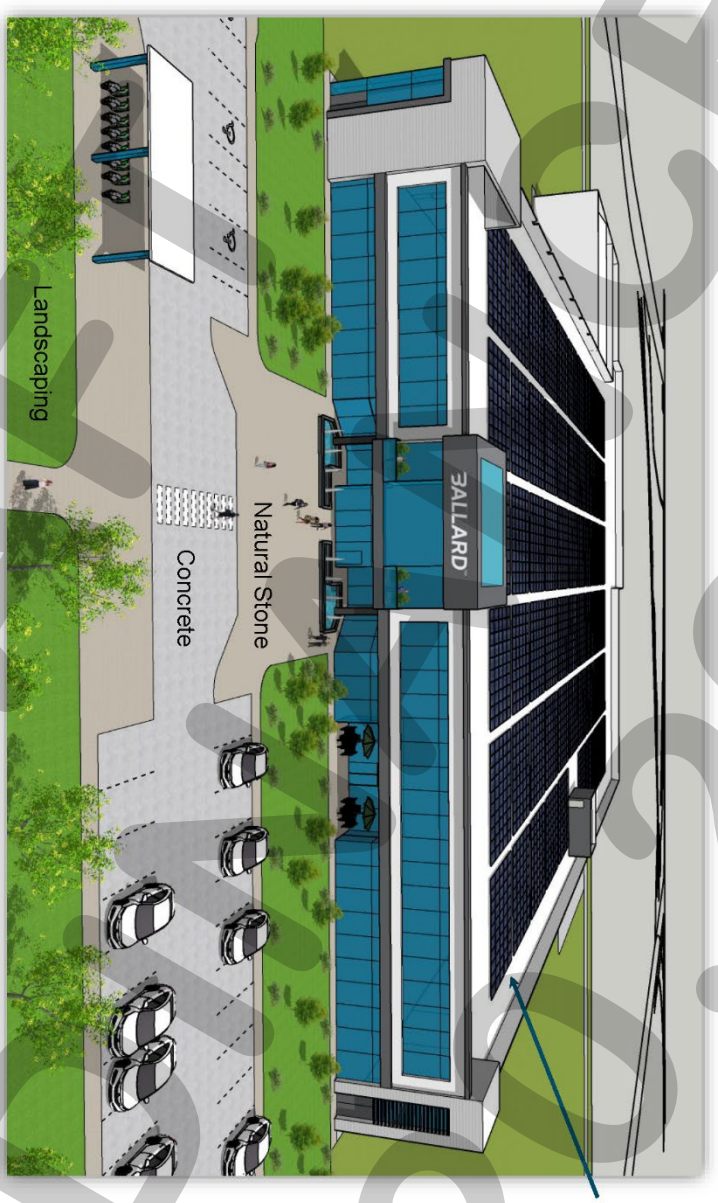
THENCE North 43 degrees 20 minutes 28 seconds East, continuing with the west line of said Lot 1 and east line of Data Drive, a distance of 42.39 feet to the *POINT OF BEGINNING* and containing 32.00 acres of land.

DRAFT ORDINANCE 1.20.2023

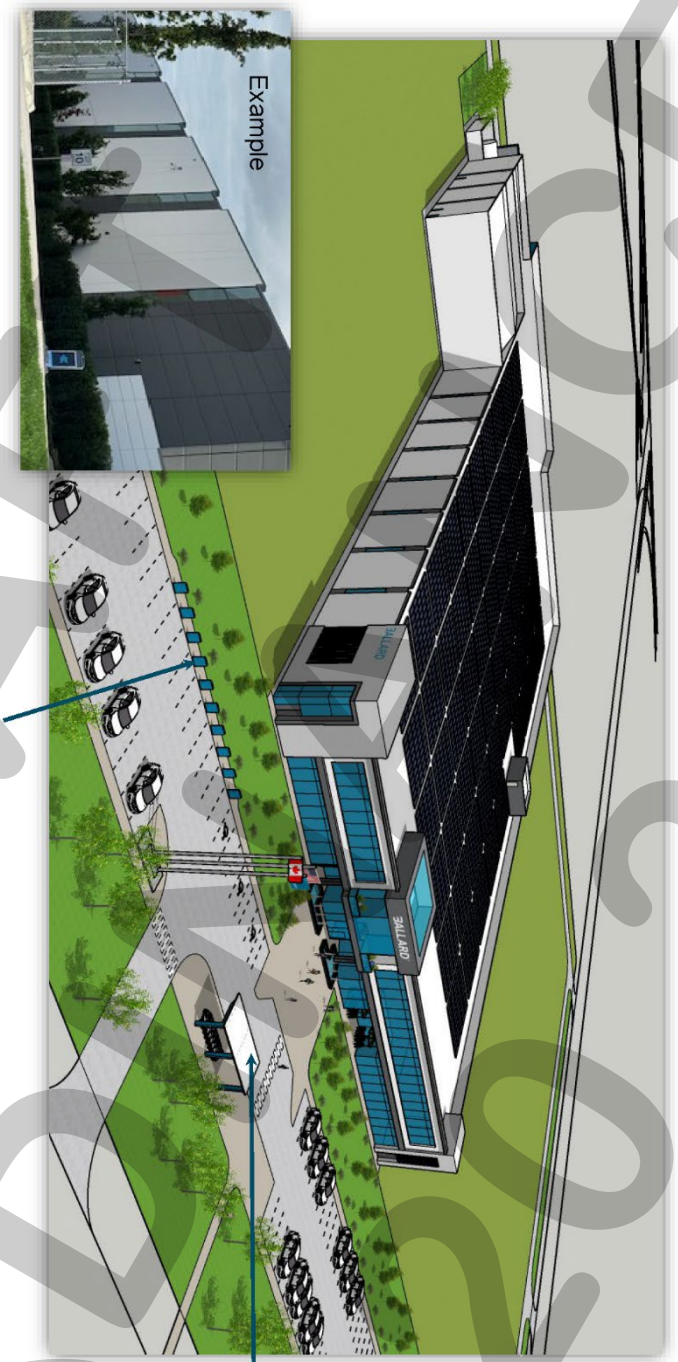
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ORDINANCE
1.10.2023

DRAFT ORDINANCE 11.20.2023

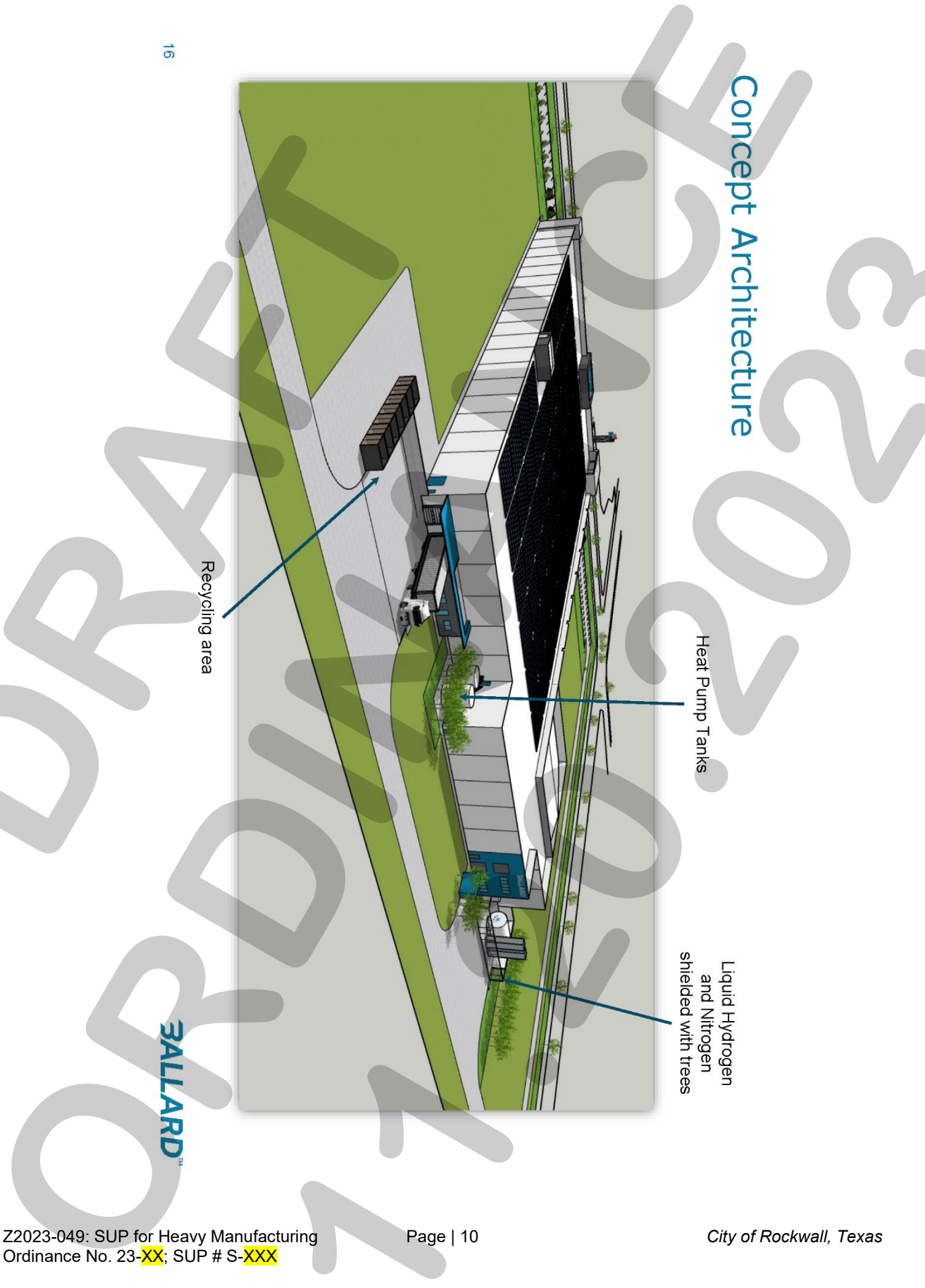
DRAFT
ORIGINAL 2023



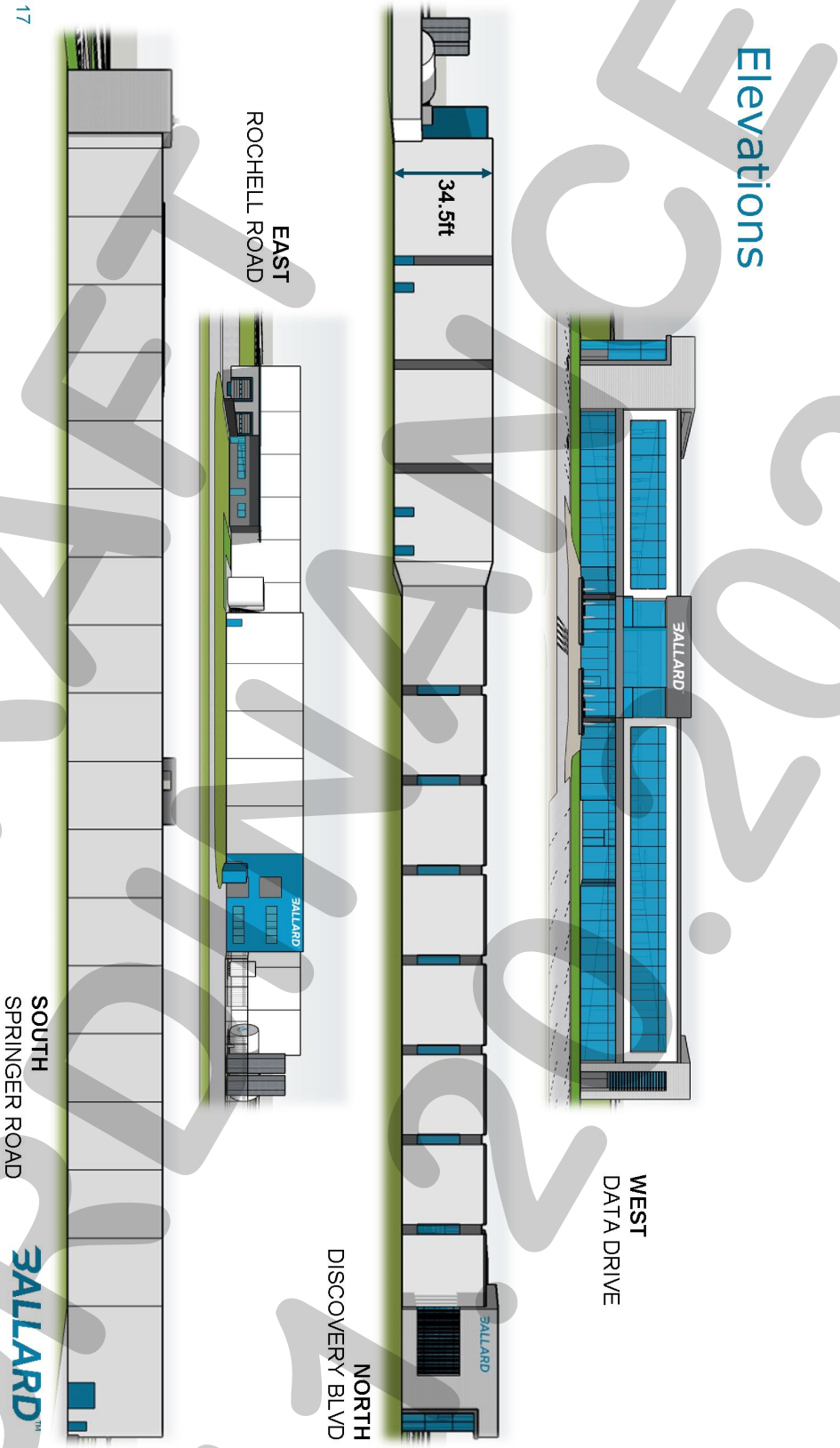
DRAFT
ORDINANCE
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DRAFT
ORD. 1.1.2023



DRAFT ORDINANCE 11-15-2023



DRAFT
ORDINANCE
1.12.2023

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:	November 20, 2023
APPLICANT:	Keith Green
CASE NUMBER:	Z2023-050; *Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit at 605 E. Washington Street*

SUMMARY

Hold a public hearing to discuss and consider a request by Keith Green for the approval of a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary.

BACKGROUND

The subject property was annexed into the City of Rockwall prior to 1900 based on the October 1900 Sanborn Maps. At some point prior to October 1900, the subject property was platted with the B.F. Boydston Addition, and is currently identified as Block 43A of the B.F. Boydston Addition. According to the City's historic zoning maps, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. This designation changed between January 4, 1972 and May 15, 1983 to a Single-Family 7 (SF-7) District based on the May 16, 1983 zoning map. According to Rockwall Central Appraisal District (RCAD), there is a 2,884 SF single-family home that was constructed circa 1895. Additionally, there is a deck that was added in 2006, as well as, two (2) storage buildings (*150 SF & 40 SF*) that were constructed on the subject property in 2012. There was a side addition that is also listed; however, the date is unknown as to when this alteration took place. On October 19, 2023, the Historic Preservation Advisory Board (HPAB) approved a Certificate of Appropriateness (COA) [*i.e. Case No. H2023-016*] to allow for the construction on the *Guest Quarters/Secondary Living Unit* on the subject property, which is classified as a *High-Contributing Property* according to the *2017 Historic Resource Survey*. The subject property is also situated within the Old Town Rockwall (OTR) Historic District.

PURPOSE

The applicant -- *Keith Green* -- is requesting approval of a Specific Use Permit (SUP) for the purpose of constructing a 350 SF *Guest Quarters/Secondary Living Unit* on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is located at 605 E. Washington Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are five (5) parcels of land within the Old Town Rockwall Historic District (*i.e. 602, 604, 606, 608, 610 E. Rusk Street and 102 S Clark Street*) developed with single-family homes that are zoned Single-Family 7 (SF-7) District. Beyond this is E. Rusk Street, which is identified as a A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) parcels of land *(i.e. 601, 603, 605, and 609 E. Rusk Street)* developed with single-family homes that are zoned Single-Family 7 (SF-7) District.

South: Directly south of the subject is E. Washington Street, which is identified as a A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) properties (*i.e. 602, 606, 608 E Washington Street and 202 S. Clark*

DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:
- ☐ MASTER PLAT ($100.00 + $15.00 ACRE) [1]
- ☐ PRELIMINARY PLAT ($200.00 + $15.00 ACRE) [1]
- ☐ FINAL PLAT ($300.00 + $20.00 ACRE) [1]
- ☐ REPLAT ($300.00 + $20.00 ACRE) [1]
- ☐ AMENDING OR MINOR PLAT ($150.00)
- ☐ PLAT REINSTATEMENT REQUEST ($100.00)

SITE PLAN APPLICATION FEES:
- ☐ SITE PLAN ($250.00 + $20.00 ACRE) [1]
- ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN ($100.00)

ZONING APPLICATION FEES:
- ☐ ZONING CHANGE ($200.00 + $15.00 ACRE) [1]
- ☑ SPECIFIC USE PERMIT ($200.00 + $15.00 ACRE) [1 & 2]
- ☐ PD DEVELOPMENT PLANS ($200.00 + $15.00 ACRE) [1]

OTHER APPLICATION FEES:
- ☐ TREE REMOVAL ($75.00)
- ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS ($100.00) [2]

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	605 E WASHINGTON ST ROCKWALL, TX 75087				
SUBDIVISION	BF BOYDSTUN ADDITION	LOT		BLOCK	43A
GENERAL LOCATION	OLD TOWN HISTORIC DISTRICT				

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	SF-7		CURRENT USE		
PROPOSED ZONING			PROPOSED USE		
ACREAGE	.22	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		☐ APPLICANT	
CONTACT PERSON	KEITH GREEN	CONTACT PERSON	
ADDRESS	605 E WASHINGTON ST	ADDRESS	
CITY, STATE & ZIP	ROCKWALL, TX 75087	CITY, STATE & ZIP	
PHONE	972-978-9197	PHONE	
E-MAIL	GREEN.KEITH@GMAIL.COM	E-MAIL	

NOTARY VERIFICATION [REQUIRED]

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 20 *DAY OF* October, 2023.

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LAURA PEREZ
Notary Public
State of Texas
ID # 12537175-6
My Comm. Expires 07-25-2025

MY COMMISSION EXPIRES



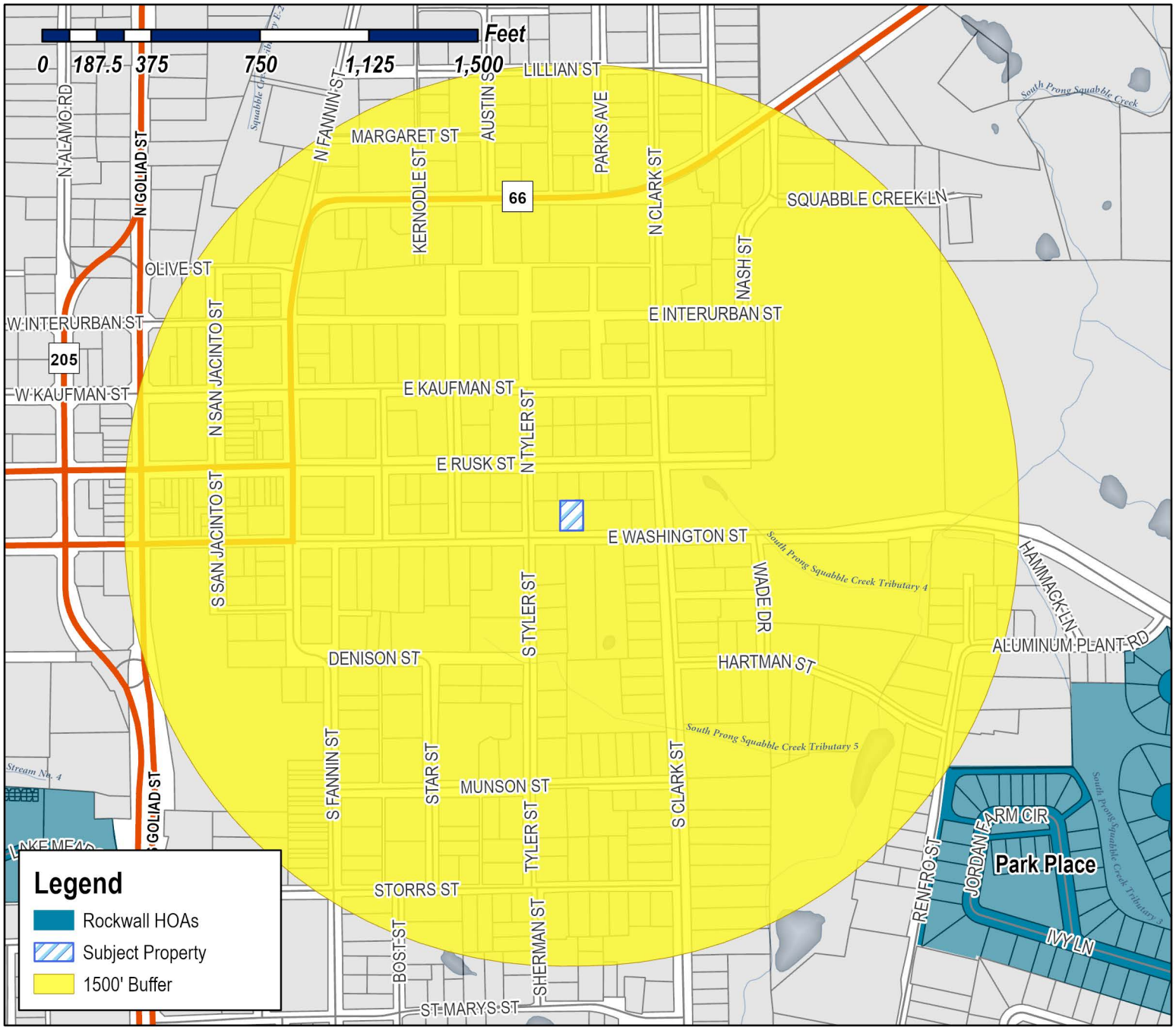
City of Rockwall
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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.

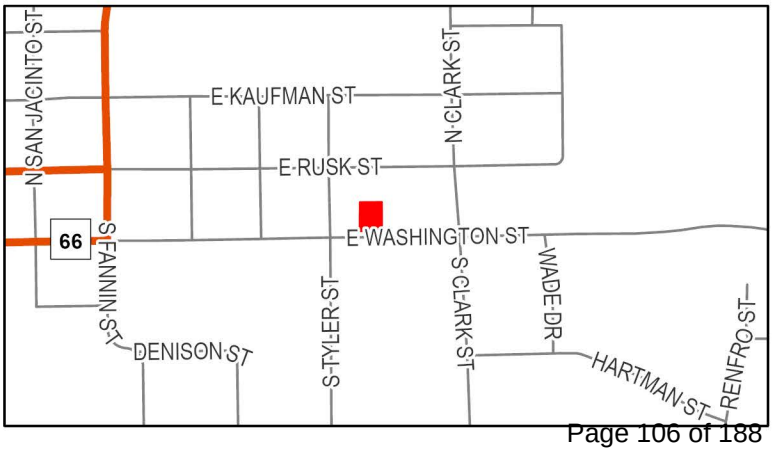
City of Rockwall

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Case Number: Z2023-050
Case Name: SUP for Guest Quarter/Secondary
Case Type: Living Unit
Zoning: Zoning
Case Address: Single-Family 7 (SF-7) District
605 E. Washington Street

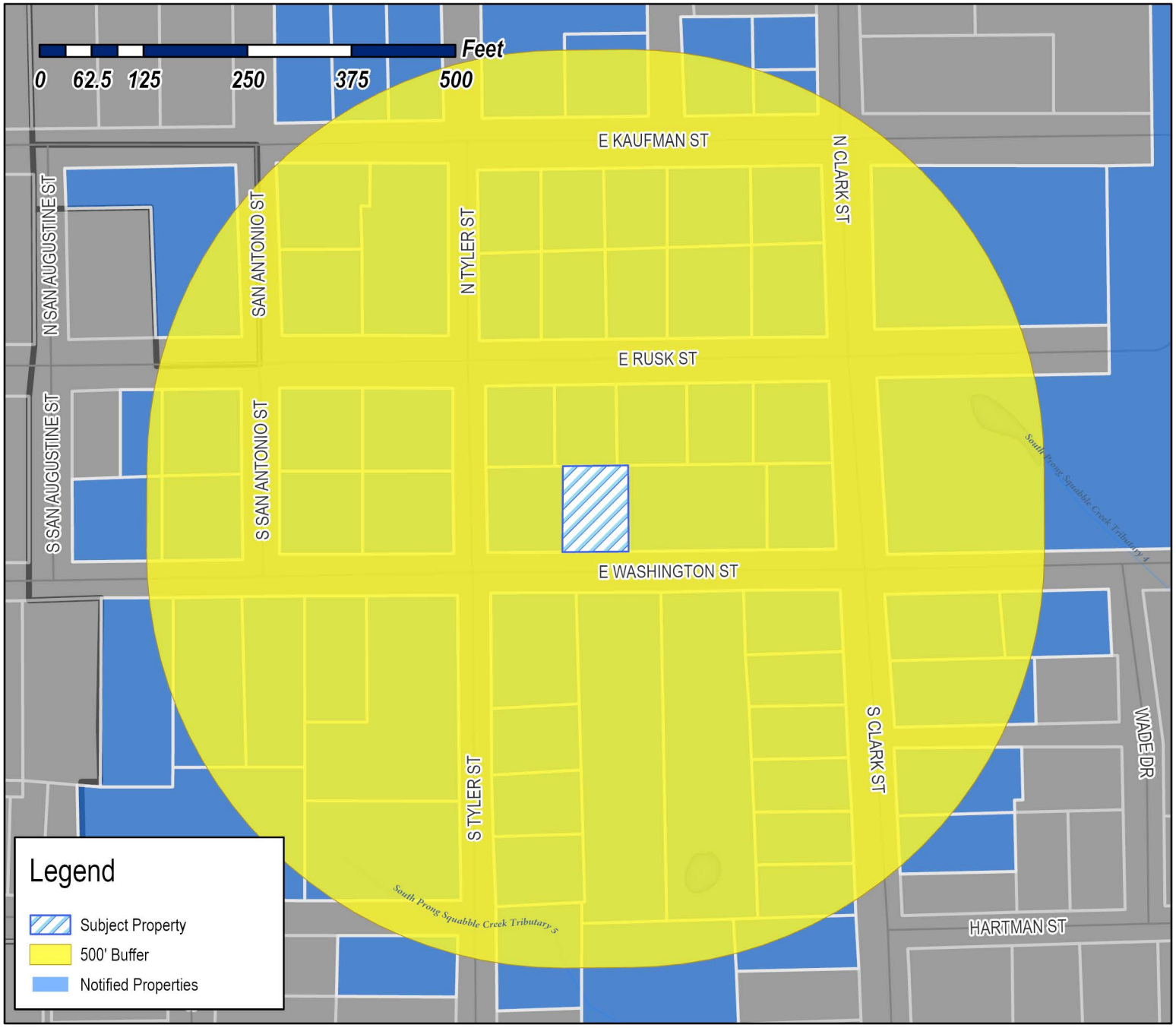


Date Saved: 10/20/2023
For Questions on this Case Call (972) 771-7745

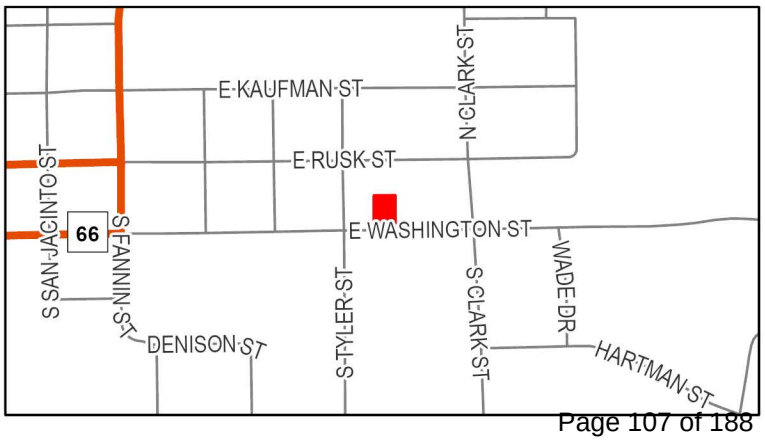
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2023-050
Case Name: SUP for Guest Quarters/Secondary Living Unit
Case Type: Zoning
Zoning: Single-Family 7 (SF-7) District
Case Address: 605 E. Washington Street



Date Saved: 10/20/2023
For Questions on this Case Call: (972) 771-7746

QUINTON BILLY & AUTUMN
102 N TYLER ST
ROCKWALL, TX 75087

RESIDENT
102 S CLARK ST
ROCKWALL, TX 75087

GATES ROBERT V & CHRISTI C
104 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
106 S CLARK ST
ROCKWALL, TX 75087

HOOKER ROBERT AND KELLIE
10653 COUNTY ROAD 1141
TYLER, TX 75709

KUPPER LEROY J ET UX
108 ELM CREST DR
ROCKWALL, TX 75087

HARPER LYDIA
1200 CLEVELAND STREET APT 327
DENTON, TX 76201

MORGAN MARY FRANCES COLEY
180 SAN ANTONIO STREET
ROCKWALL, TX 75087

KINSEY DONALD H & TARI L
2 MANOR COURT
HEATH, TX 75032

RESIDENT
201 N CLARK ST
ROCKWALL, TX 75087

CAMPBELL CASEY C
201 S CLARK STREET
ROCKWALL, TX 75087

RICH LISA
202 S CLARK ST
ROCKWALL, TX 75087

EDWARDS MORGAN BROOKE
203 N CLARK ST
ROCKWALL, TX 75087

RESIDENT
204 S CLARK ST
ROCKWALL, TX 75087

FOX JONATHAN R AND SYDNEY
205 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
206 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
208 S CLARK ST
ROCKWALL, TX 75087

LEFERE KEVIN M AND
AMANDA HENRY
209 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
210 TYLER ST
ROCKWALL, TX 75087

RICHARD HARRIS AND JUDY HARRIS FAMILY
TRUST
RICHARD AND JUDY HARRIS- TRUSTEES
210 GLENN AVENUE
ROCKWALL, TX 75087

RESIDENT
210 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
211 TYLER ST
ROCKWALL, TX 75087

WILKINSON LYNN L & CHAD DAVID
211 S CLARK ST
ROCKWALL, TX 75087

ZAKEM KYNSIE JO
212 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
213 TYLER ST
ROCKWALL, TX 75087

RESIDENT
214 S CLARK ST
ROCKWALL, TX 75087

RESIDENT
215 TYLER ST
ROCKWALL, TX 75087

BALL JUSTIN
2155 CLUBVIEW DR
ROCKWALL, TX 75087

MUNSON PARNTERS 1 LLC
2241 AUBURN AVE
DALLAS, TX 75214

GLASS JERRY
301 MEADOWDALE DR
ROCKWALL, TX 75087

RESIDENT
302 TYLER ST
ROCKWALL, TX 75087

FLINCHUM RITA
305 TYLER ST
ROCKWALL, TX 75087

RESIDENT
311 DENISON ST
ROCKWALL, TX 75087

BONFANTE VITTORIO & ANGELA
3111 ANNETTE CT
GARLAND, TX 75044

MUNSON PARTNERS 1 LLC
3435 HWY 276
ROCKWALL, TX 75032

WELCH DAVID T & TERRY E
401 E WASHINGTON STREET
ROCKWALL, TX 75087

KILPATRICK KENDRA
402 E WASHINGTON ST
ROCKWALL, TX 75087

HANNA KIMBERLIE UPLEGER
4020 WINCREST DR
ROCKWALL, TX 75032

RESIDENT
404 E RUSK
ROCKWALL, TX 75087

COLSON BETTY
404 E WASHINGTON
ROCKWALL, TX 75087

SALVADOR MARY PEARL
405 E WASHINGTON
ROCKWALL, TX 75087

RESIDENT
406 E KAUFMAN
ROCKWALL, TX 75087

RESIDENT
406 E RUSK
ROCKWALL, TX 75087

RESIDENT
406 E WASHINGTON
ROCKWALL, TX 75087

BARTON SHANNON G
501 E. KAUFMAN
ROCKWALL, TX 75087

TAMEZ PEDRO ET EX
502 E RUSK ST
ROCKWALL, TX 75087

RICHARDSON CATHERINE E AND TRENTON R
503 E KAUFMAN
ROCKWALL, TX 75087

ARCHER KERRY ANNE
503 E RUSK ST
ROCKWALL, TX 75087

RESIDENT
503 E WASHINGTON
ROCKWALL, TX 75087

RESIDENT
505 E KAUFMAN
ROCKWALL, TX 75087

DUTT JOHN RICHARD JR ETUX
505 E WASHINGTON ST
ROCKWALL, TX 75087

PYRON MARSHA G
505 PETERSON ST
ROYSE CITY, TX 75189

BIRKENBACK JOSSEPH M & OLGA M
506 E RUSK ST
ROCKWALL, TX 75087

WEBB RODNEY D AND FRAN W
507 E RUSK ST
ROCKWALL, TX 75087

BETHEL TEMPLE BAPTIST
520 E WASHINGTON STREET
ROCKWALL, TX 75087

CAIN CHAD
5705 ALLEN LN
ROWLETT, TX 75088

TRES PUERTAS LLC
5800 E CAMPUS CIRCLE #114A
IRVING, TX 75063

RESIDENT
601 E KAUFMAN ST
ROCKWALL, TX 75087

RESIDENT
601 E RUSK ST
ROCKWALL, TX 75087

RESIDENT
601 E WASHINGTON
ROCKWALL, TX 75087

ROBINSON NELDA
602 E RUSK ST
ROCKWALL, TX 75087

BRUCE JAMES E JR & SHERYL
602 E WASHINGTON ST
ROCKWALL, TX 75087

RESIDENT
603 E RUSK
ROCKWALL, TX 75087

GALVAN CARMAN
604 E KAUFMAN ST
ROCKWALL, TX 75087

HORNER ANDREA J
604 E. RUSK ST
ROCKWALL, TX 75087

HARPER VICKI DAWSON
605 E KAUFMAN ST
ROCKWALL, TX 75087

HARPER VICKI DAWSON
605 E KAUFMAN ST
ROCKWALL, TX 75087

RESIDENT
605 E RUSK
ROCKWALL, TX 75087

GREEN JAMES KEITH II & HOLLY NICOLE
605 E WASHINGTON STREET
ROCKWALL, TX 75087

CARSON HEATHER
606 E WASHINGTON ST
ROCKWALL, TX 75087

WILLIAMS JERRY LANE
608 E RUSK ST
ROCKWALL, TX 75087

WALLACE DUSTIN & KATHERINE
608 EAST WASHINGTON
ROCKWALL, TX 75087

ROCKWALL COMMUNITY PLAYHOUSE
609 E RUSK ST
ROCKWALL, TX 75087

REEVES ASHLEY ELLEN & DANIEL GARRET
609 EAST WASHINGTON STREET
ROCKWALL, TX 75087

CLARK JENNIFER A
610 E KAUFMAN ST
ROCKWALL, TX 75087

SMITH GREGORY P & MARILYN
610 E RUSK ST
ROCKWALL, TX 75087

INTEGRITY ALL CASH HOME BUYERS LLC
7340 BAKER BLVD #392
RICHLAND HILLS, TX 76118

RESIDENT
801 E WASHINGTON
ROCKWALL, TX 75087

COX GERALD GLEN AND ROSALBA CARRASCO
815 T L TOWNSEND STE 100
ROCKWALL, TX 75087

SOUTHWESTERN BELL TELEPHONE CO
ATTN: PROPERTY TAX DEPT 1010 PINE, 9E-L-01
ST. LOUIS, MO 63101

SMILEY KAREN APRIL
INDEPENDENT ADMINISTRATOR - ESTATE OF
ROBERT THOMAS WIKTORCH
P.O. BOX 3061
WARMINSTER, PA 18974

ONCOR ELECTRIC DELIVERY COMPANY
PO BOX 139100
DALLAS, TX 75313

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:

Z2023-050: SUP for Guest Quarters/ Secondary Living Unit
Hold a public hearing to discuss and consider a request by Keith Green for the approval of a *Specific Use Permit (SUP)* for *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington 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, November 14, 2023 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 20, 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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by *Monday, November 20, 2023 at 4:00 PM* to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

USE THIS QR CODE TO GO DIRECTLY TO THE WEBSITE

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

PLEASE RETURN THE BELOW FORM

Case No. Z2023-050: SUP for Guest Quarters/ Secondary Living Unit

Please place a check mark on the appropriate line below:

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

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

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

Zoning & Specific Use Permit Input Form

Case Number *
Please provide the Case Reference Number of the Zoning or Specific Use Permit (SUP) request that you are providing input on (Example: Z2019-001).

Z2023-050

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

- [x] I am in favor of the request.
- [ ] I am in opposition to the request.

Please provide any additional information concerning your support or opposition to the request.

The plans for this new living unit are tasteful and will only improve the value of this home, which is good for all of the neighbors too.

Respondent Information
Please provide your information.

First Name *

Kate

Last Name *

Wallace

Address *

608 E Washington St

City *

Rockwall

State *

Tx

Zip Code *

75087

Please check all that apply: *

- [x] I live nearby the proposed Zoning or Specific Use Permit (SUP) request.
- [ ] I work nearby the proposed Zoning or Specific Use Permit (SUP) request.
- [x] I own property nearby the proposed Zoning or Specific Use Permit (SUP) request.
- [ ] I own a business nearby the proposed Zoning or Specific Use Permit (SUP) request.
- [ ] Other:

How did you hear about this Zoning or Specific Use Permit (SUP) request? *

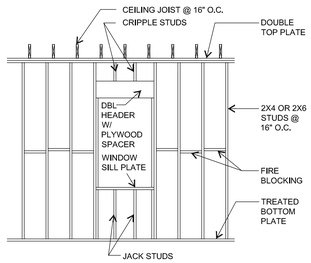
- (●) I received a property owner notification in the mail.
- ( ) I read about the request on the City's website.
- ( ) I saw a zoning sign on the property.
- ( ) I read about the request in the Rockwall Herald Banner.
- ( ) My neighbors told me about the request.
- ( ) Other:

This content is neither created nor endorsed by Google.

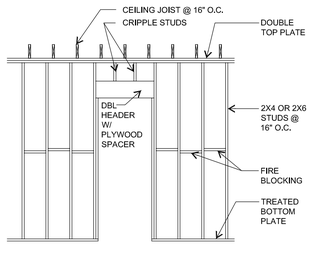
Google Forms

A NEW BACKYARD SHED FOR KEITH AND HOLLY GREEN

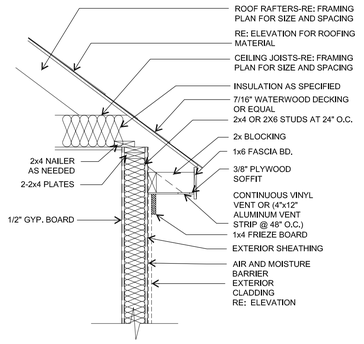
605 E. WASHINGTON ST. ROCKWALL 75087



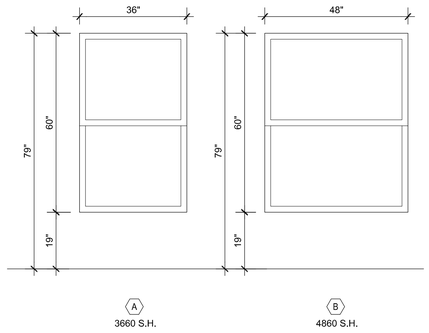
12 TYP. WINDOW FRAMING
SCALE: 1/4" = 1'-0"



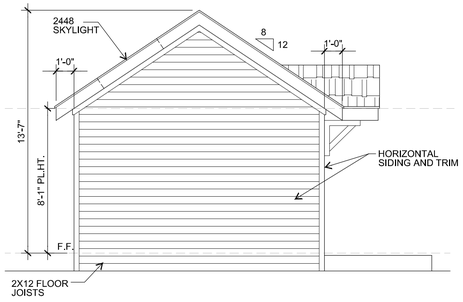
11 TYP. DOOR FRAMING
SCALE: 1/4" = 1'-0"



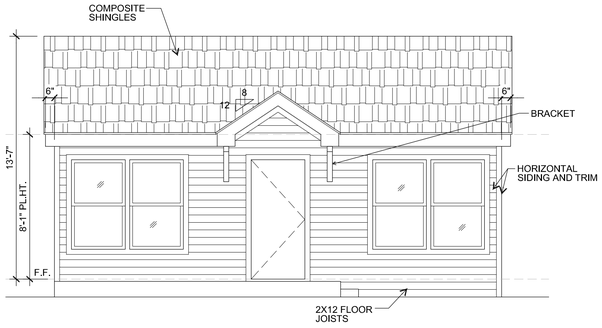
10 TYP. SOFFIT DETAIL
SCALE: 1/4" = 1'-0"



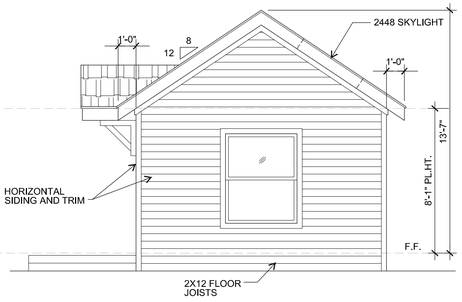
9 WINDOW TYPES
NO SCALE



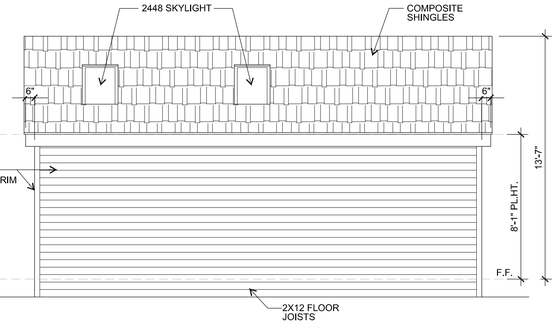
8 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



7 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



6 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



5 REAR ELEVATION
SCALE: 1/4" = 1'-0"

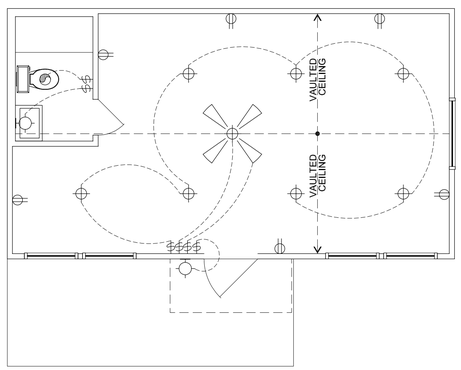
ELECTRICAL NOTES:

1.) CONSULT LOCAL UTILITY & LOCAL CODES FOR PROPER GROUNDING REQUIREMENTS.
2.) RECEPTACLES SHALL BE SPACED ACCORDINGLY SO THAT AT NO POINT ALONG THE FLOOR LINE IS MORE THAN 6'-0" FROM AN OUTLET. NO SPACES FURTHER APART THAN 12" UNLESS NOTED OTHERWISE OR PER ANY SPECIFIC CODES.
3.) ALL RECEPTACLES IN BATHROOMS, GARAGES, OR OUTDOORS SHALL BE PROTECTED BY A GROUND FAULT INTERRUPTION SYSTEM (GFI) AND AS NOTED ON THE DRAWINGS.
4.) SWITCH PLATES TO BE PLACED AT 42" ABOVE FINISH FLOOR TO CENTER OF SWITCH TYPICAL.
5.) ALL LIGHTING FIXTURES LOCATED IN CLOSETS OR STORAGE AREAS SHALL BE LOCATED A MINIMUM OF 18" FROM ALL SHELVING.
6.)PROVIDE 150 AMP ELECTRICAL SERVICE PANEL WITH METER EQUIP.
7.) PROVIDE DISCONNECT SWITCH FOR AIR HANDLER IN SPACE REQUIRED.

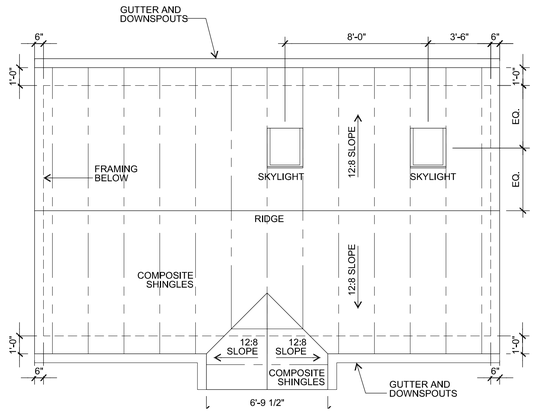
ELECTRICAL SCHEDULE

SYMBOL	DESCRIPTION
$	SINGLE POLE SWITCH
	110V OUTLET
	RECESSED CAN FIXTURE
	SCONCE
	CEILING FAN WITH LIGHT KIT
	EXHAUST FAN

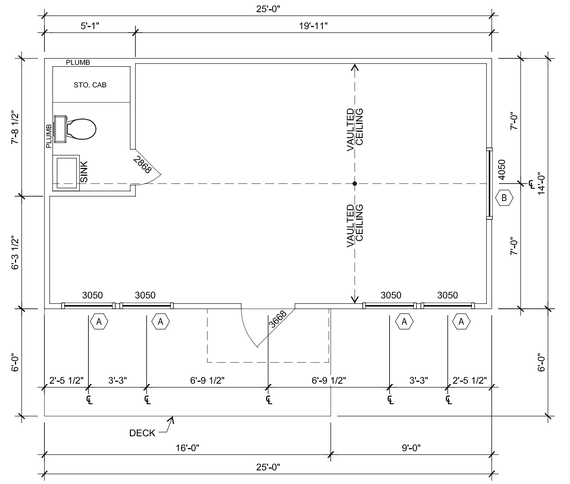
NOTE: ALL OUTLETS IN BATHROOMS TO BE G.F.I.



3 POWER PLAN
SCALE: 1/4" = 1'-0"



2 ROOF PLAN
SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	AREAS
350	FLOOR PLAN

NEW SHED

KEITH AND HOLLY GREEN

605 E. WASHINGTON ST. ROCKWALL TX 75087

ISSUE LOG

DATE ISSUE	DESCRIPTION
09/11/23	FOR BIDDING AND PERMIT

REVISION LOG

DATE ISSUE	DESCRIPTION	REV. NO.

ISSUED FOR:

- ☐ PRELIMINARY - NOT FOR CONSTRUCTION
- ■ BIDDING / PERMIT
- ☐ REVISION / ADDENDUM
- ☐ FOR CONSTRUCTION

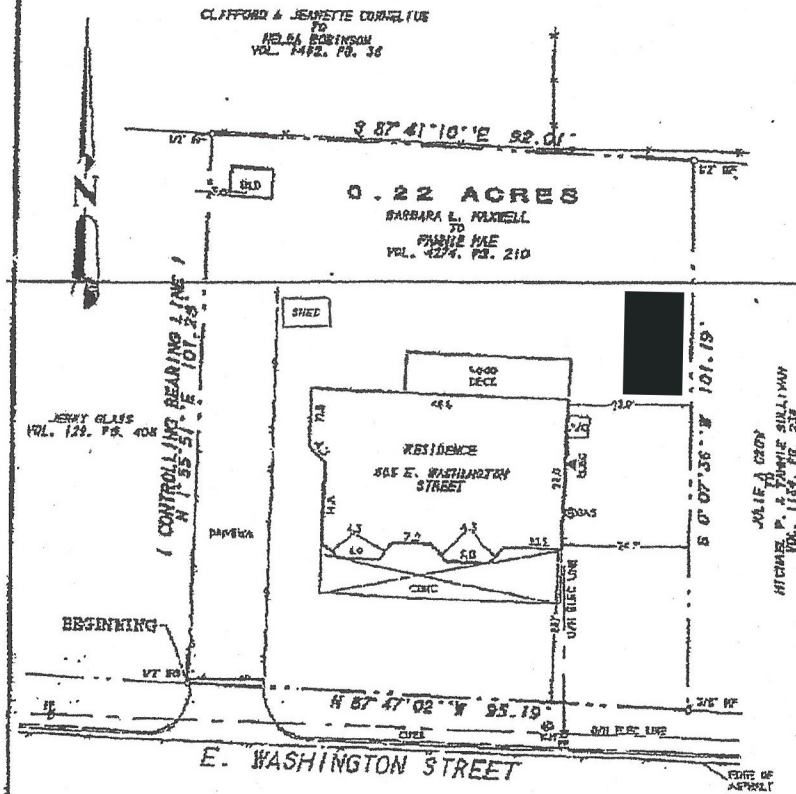
HH HIGHVIEW HOMES

ARCH. PROJ. #:	SCALE:
09/06/23	REF. DRAWING

SHEET NO.

A1.0

SHED NOTES, PLANS, ELEVATIONS



DESCRIPTION

All that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY, ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas, and being all of a tract as described in a Substitute Trustee's deed from Barbara L. Maxwell to Fearie Mae also known as Federal National Mortgage Association, dated November 1, 2005 and being recorded in Volume 4274, Page 210 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the North right-of-way line of E. Washington Street (SH 66 R.O.W.) at the Southwest corner of said Fannie Mae tract and the Southeast corner of a 0.46 acres tract of land as described in a Deed to Jerry Glass and wife, Jo Kay Glass, as recorded in Volume 129, Page 408 of the Real Property Records of Rockwall County, Texas;

THENCE N. 01 deg. 55 min. 51 sec. E. (Controlling bearing line) along the East line of said 0.46 acres tract, a distance of 101.28 feet to a 1/2" iron rod found for corner;

THENCE S. 87 deg. 41 min. 10 sec. E. a distance of 92.01 feet to a 1/2" iron rod found for corner at the Northwest corner of a tract of land as described in a Warranty deed from Julie A. Crow to Michael P. Sullivan and Tammie Sullivan, as recorded in Volume 1134, Page 238 of the Real Property Records of Rockwall County, Texas;

THENCE S. 00 deg. 07 min. 36 sec. W. along the West line of said Sullivan tract, a distance of 101.19 feet to a 3/8" iron rod found for corner in the North line of E. Washington Street;

THENCE N. 87 deg. 47 min. 02 sec. W. along said right-of-way line, a distance of 95.19 feet to the POINT OF BEGINNING and containing 0.22 acres of land.

NOTES

1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 480547 0005 C dated June 16, 1992, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.

2) BEARING SOURCE: RECORDED DEED IN VOL. 4274, PG. 210, R.P.R.R.C.T.

3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I. RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for AMERICAN TITLE COMPANY, COUNTRYWIDE HOME LOANS, and CHARLES S. & APRIL WURSTER at 505 E. WASHINGTON STREET, ROCKWALL, Rockwall County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 15th day of September, 2008.

Harold D. Fetty III, R.P.L.S. No. 5034

STATE OF TEXAS
REGISTERED
HAROLD D. FETTY III
5034
PROFESSIONAL
LAND SURVEYOR

SYMBOL LEGEND

SURVEY DATE: SEPTEMBER 15, 2008
SCALE: 1" = 20' FILE: 2008-739
CLIENT: WURSTER GF# 1208981-SW

R.S.C.I.
ROCKWALL SURVEYING CO., INC. LAND SURVEYING
1844 E. FM 551 ROYSE CITY, TX 75189 972-772-5494 PHONE 972-772-6446 FAX



CITY OF ROCKWALL

HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

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

TO:	Historic Preservation Advisory Board
DATE:	October 19, 2023
APPLICANT:	Keith Green
CASE NUMBER:	H2023-016; *Certificate of Appropriateness (COA) for 605 E. Washington Street*

SUMMARY

Hold a public hearing to discuss and consider a request by Keith Green for the approval of a *Certificate of Appropriateness (COA)* for a *Guest Quarters/Secondary Living Unit* on a *High Contributing Property* being a 0.22-acre tract of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary.

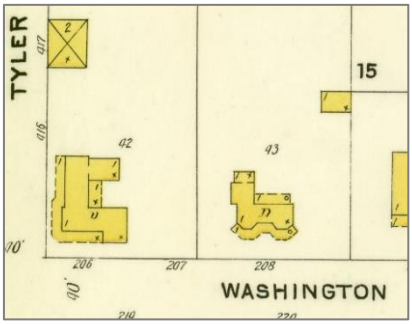
BACKGROUND



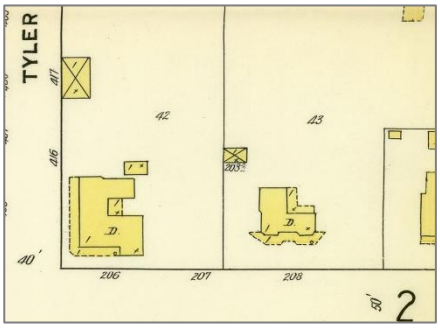
SUBJECT PROPERTY: NOVEMBER 3, 2014

According to the *2017 Historic Resource Survey*, the subject property is classified as a *High-Contributing Property*. The 2,884 SF single-family home -- *situated on the subject property at 605 E. Washington Street* -- was constructed circa 1895 with *Folk Victorian* stylistic influences. The subject property is a part of the Old Town Rockwall (OTR) Historic District, and was annexed prior to 1900 based on the October 1900 Sanborn Maps. According to Rockwall Central Appraisal District (RCAD), there is a deck that was added in 2006 as well as two (2) storage buildings (*150 SF & 40 SF*) that were constructed on the subject property in 2012. Also, the *2017 Historic Resource Survey* states that the porch has been altered and the doors replaced on the existing single-family home. There was a side addition that is also listed; however, the date is unknown as to when this alteration took place. The figures below -- *from the Sanborn Maps* -- show a slight change in footprint from 1911 to 1934. According to previous *Historic Resource Surveys,* this home was constructed by Professor Alan C. Ater, and has been home to such Rockwallians as E. C. Heaths, L. B. Walker, and Mary Smith.

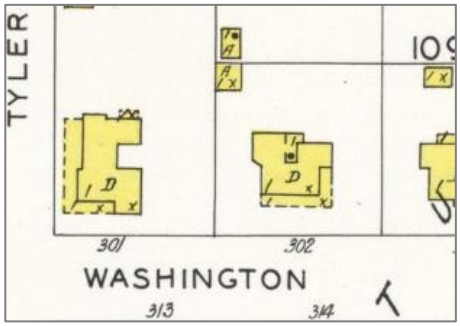
1905 SANBORN MAP



1911 SANBORN MAP



1934 SANBORN MAP



PURPOSE

The applicant is requesting approval of a Certificate of Appropriateness (COA) for a 350 SF *Guest Quarters/Secondary Living Unit* on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is located at 605 E. Washington Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are five (5) parcels of land within the Old Town Rockwall Historic District (*i.e. 602, 604, 606, 608, 610 E. Rusk Street and 102 S Clark Street*). According to the *2017 Historic Resource Survey*, all of these properties are classified as *Medium Contributing*. Beyond this is E. Rusk Street, which is identified as a A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are five (5) parcels of land located within the Old Town Rockwall Historic District. According to the *2017 Historic Resource Survey*, two (2) properties (*i.e. 601 & 609 E. Rusk Street*) are considered to be *Medium Contributing* and two (2) properties (*i.e. 603 & 605 E. Rusk Street*) are classified as *Low Contributing*. Staff should note that the vacant property at the northwest corner of the intersection of E. Rusk Street and S. Clark Street was recently classified as *Low-Contributing* when the *Old Pump House* was removed from the property.

South: Directly south of the subject is E. Washington Street, which is identified as a A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) properties located within the Old Town Rockwall Historic District (*i.e. 602, 606, 608 E Washington Street and 202 S. Clark Street*). According to the *2017 Historic Resource Survey*, two (2) properties (*i.e. 606 & 608 E. Washington Street*) are considered *Medium Contributing*, one (1) property (*i.e. 602 E. Washington Street*) is classified as *Low Contributing*, and one (1) property (*i.e. 202 S. Clark Street*) is considered *Non-Contributing*.

East: Directly east of the subject property is a 0.3120-acre parcel of land with a ~2,383 SF single-family home that was constructed in 1899 situated on it. This structure is classified as *Medium Contributing*. Beyond this is S. Clark Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is an 18.407-acre parcel of land owned by the Rockwall Independent School District (RISD) that is contiguous with Howard Dobbs Elementary School.

West: Directly west of the subject property is a 0.25-acre parcel of land with a ~1,620 single-family home (*i.e. 601 E. Washington Street*) that was constructed in 1910 situated on it. This structure is classified as *Medium Contributing*. Beyond this is S. Tyler Street, which is indicated as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 0.23-acre parcel of land with a ~1,969 single-family home (*i.e. 505 E. Washington Street*) that was constructed in 1910 situated on it. This structure is classified as *High Contributing*.

CHARACTERISTICS OF THE PROJECT

The applicant is proposing to construct a new accessory building that will match the existing single-family home. The proposed structure will be a total of 350 SF or 14-feet by 25-feet. The building will be clad in *Hardie Board* and have composite shingle roof. The proposed accessory structure will be situated on a pier-and-beam foundation and will have a height of approximately thirteen (13) feet, seven (7) inches. The applicant has indicated that the structure will have a half-bath making this a *Guest Quarters/Secondary Living Unit*. The applicant has also indicated that electricity will be ran to the structure. Staff should note that there is an existing eight (8) foot by 14-foot (or 112 SF) accessory building and a separate playhouse on the subject property. The proposed *Guest Quarters/Secondary Living Unit* will be taking the place of the playhouse, which will be removed prior to construction. If the applicant's request is approved then there will be a total of two (2) structures on the subject property.

CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Subsection 06.03(F), *Certificate of Appropriateness (COA) for Alteration or New Construction*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [*Historic Overlay (HOV) District*] shall apply only to those properties … which meet the following criteria: [1] either be a designed historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by *Subsection B* or be located within 200-feet of a contributing property." In this case, the subject property meets all of the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, and is designated as a *High Contributing Property*.

According to Article 13, *Definitions*, of the Unified Development Code (UDC) a *Guest Quarters/Secondary Living Unit* is defined as "(a)n accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as separate domicile." According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* requires a Specific Use Permit (SUP) in a Single-Family 7 (SF-7) District and -- *according to Subsection 02.03* -- is subject to the following *Conditional Land Use Standards*: [*1*] the structure must be ancillary to a single-family home, [*2*] the square footage of the structure shall not exceed 30% of the square footage of the primary structure, and [*3*] the structure may not be sold or conveyed separately from the single-family home without meeting the zoning requirements for the district. In addition to these requirements, a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is subject to the dimensional requirements contained in Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, and the parking requirements of Article 06, *Parking and Loading*, of the Unified Development Code (UDC). If the applicant's request for a Certificate of Appropriateness if approved then the applicant will have to apply for approval of a Specific Use Permit (SUP) for the *Guest Quarters/Secondary Living Unit*.

According to Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), the Single-Family 7 (SF-7) District allows a total of two (2) accessory buildings each being 144 SF in size. If a property has an existing accessory building greater than 144 SF, no additional accessory buildings are permitted. In this case, there is an existing 112 SF accessory building and the proposed accessory building will be 350 SF. In addition, this section of the code goes on to state that accessory structures shall not exceed fifteen (15) feet in height. In this case, the proposed total overall height of the *Guest Quarters/Secondary Living Unit* is thirteen (13) feet seven, (7) inches. Based on this, the proposed site plan and the building elevations, the building meets all of the requirements for a *Guest Quarters/Secondary Living Unit* as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC) with the exception of the proposed number of accessory buildings, which will be a discretionary decision for the Planning and Zoning Commission at the time the applicant submits for a Specific Use Permit (SUP).

According to Subsection 06.03(G)(5), *Standards of Approval*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "the Historic Preservation Advisory Board (HPAB) must approve the application for a Certificate of Appropriateness if it determines that … the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section [*i.e.]* and proposed preservation criteria …" While the proposed structure does not appear to impair the historical integrity of the subject property nor negatively impact the adjacent properties, approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB). Should the Historic Preservation Advisory Board approve the COA, a recommendation would be forwarded to the Planning and Zoning Commission for the approval of an exception to allow the accessory structure on the subject property.

NOTIFICATIONS

On October 5, 2023, staff mailed 31 property owner notifications to property owners and occupants within 200-feet of the subject property. At the time this report was drafted, staff had not received any notices returned regarding the applicant's request.

CONDITIONS OF APPROVAL

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a *Certificate of Appropriateness (COA)*, staff would propose the following conditions of approval:

(1) The applicant will need to submit a request for a *Specific Use Permit (SUP)* for an accessory structure to the Planning and Zoning Department prior to the construction of the building.

(2) Any construction resulting from the approval of this request 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.

HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

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

STAFF USE ONLY

CASE NUMBER:

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

DIRECTOR OF PLANNING:

DATE RECEIVED:

RECEIVED BY:

APPLICATION:
- ☐ CERTIFICATE OF APPROPRIATENESS (COA)
- ☐ LOCAL LANDMARK EVALUATION & DESIGNATION
- ☐ BUILDING PERMIT WAIVER & REDUCTION PROGRAM
- ☐ SMALL MATCHING GRANT APPLICATION

SPECIAL DISTRICTS [SELECT APPLICABLE]:
- ☐ OLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT
- ☐ PLANNED DEVELOPMENT DISTRICT 50 (PD-50)
- ☐ SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT
- ☐ DOWNTOWN (DT) DISTRICT

CONTRIBUTING STATUS [SELECT APPLICABLE]:
- ☐ LANDMARKED PROPERTY
- ☐ HIGH CONTRIBUTING PROPERTY
- ☐ MEDIUM CONTRIBUTING PROPERTY
- ☐ LOW CONTRIBUTING PROPERTY
- ☐ NON-CONTRIBUTING PROPERTY

CURRENT LAND USE OF THE SUBJECT PROPERTY:
- ☐ RESIDENTIAL
- ☐ COMMERCIAL

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS	605 E Washington St Rockwall, Texas 75087				
SUBDIVISION	Downtown	LOT		BLOCK	

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

IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? ■ YES ☐ NO

APPLICANT(S) IS/ARE: ■ OWNER ☐ TENANT ☐ NON-PROFIT ☐ RESIDENT

■ CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.

☐ OTHER, SPECIFY:

OWNER(S) NAME	Keith Green	APPLICANT(S) NAME	
ADDRESS	605 E Washington St	ADDRESS	
	Rockwall, TX 75087		
PHONE	972-978-9197	PHONE	
E-MAIL	green.keith@gmail.com	E-MAIL	

SCOPE OF WORK/REASON FOR EVALUATION REQUEST [PLEASE PRINT]

CONSTRUCTION TYPE [CHECK ONE]: ☐ EXTERIOR ALTERATION ■ NEW CONSTRUCTION ☐ ADDITION ☐ DEMOLITION ☐ RELOCATIONS ■ OTHER, SPECIFY: Accessory Building

ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (*IF APPLICABLE*): $ 20,000

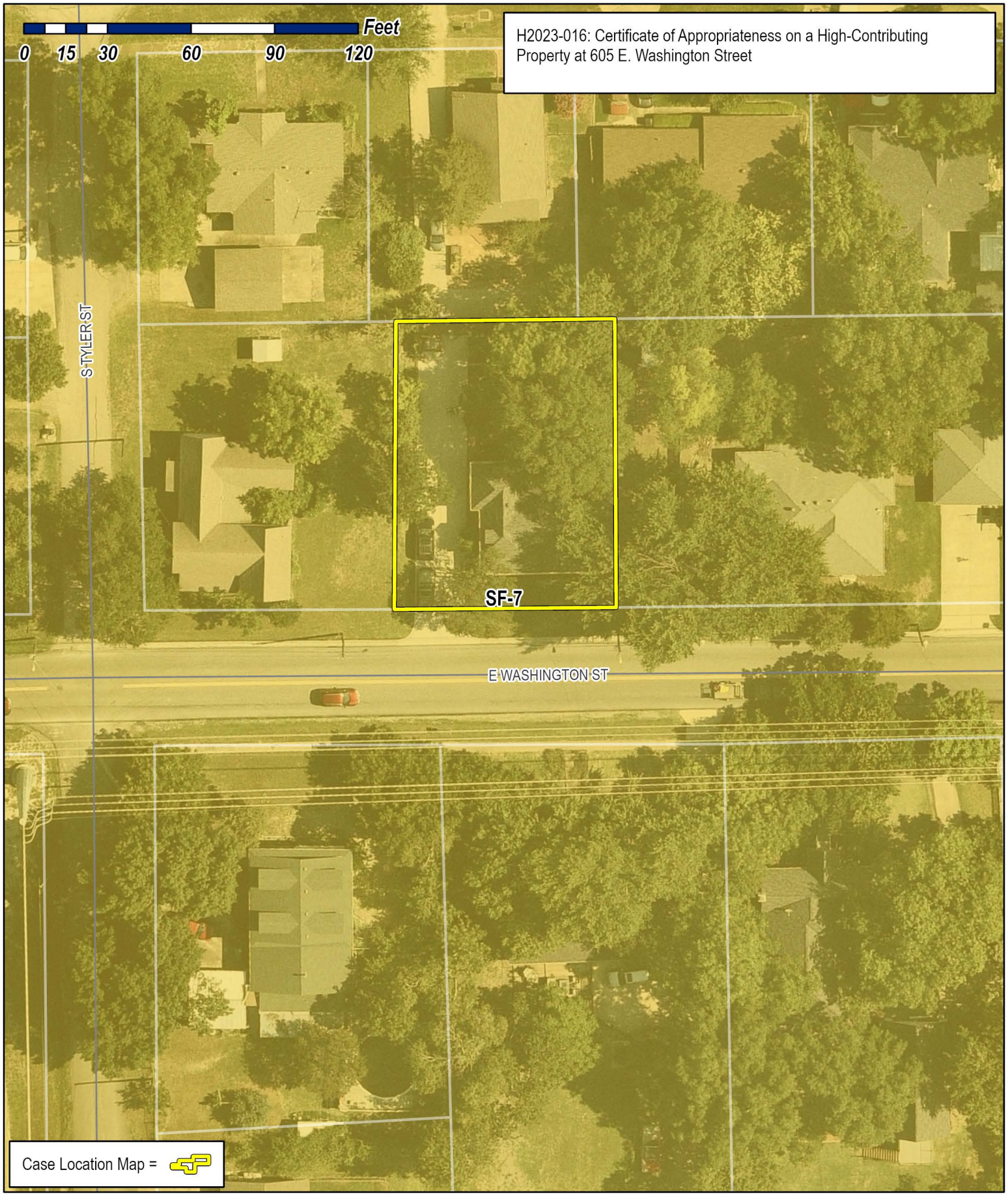
PROJECT DESCRIPTION. IN THE SPACE PROVIDED BELOW OR ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. FOR *LOCAL LANDMARK EVALUATION & DESIGNATION* REQUESTS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE PROPERTY ARE SUBMITTED WITH THIS APPLICATION.

We are looking to build a 350 sq ft (14'x25') accessory building that matches our main dwelling.
The building will have Hardie board, nice windows, matching roof, and landscape.

OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUIRED]

I ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING FOR THIS CASE TO BE APPROVED.

OWNER'S SIGNATURE ***APPLICANT'S SIGNATURE***



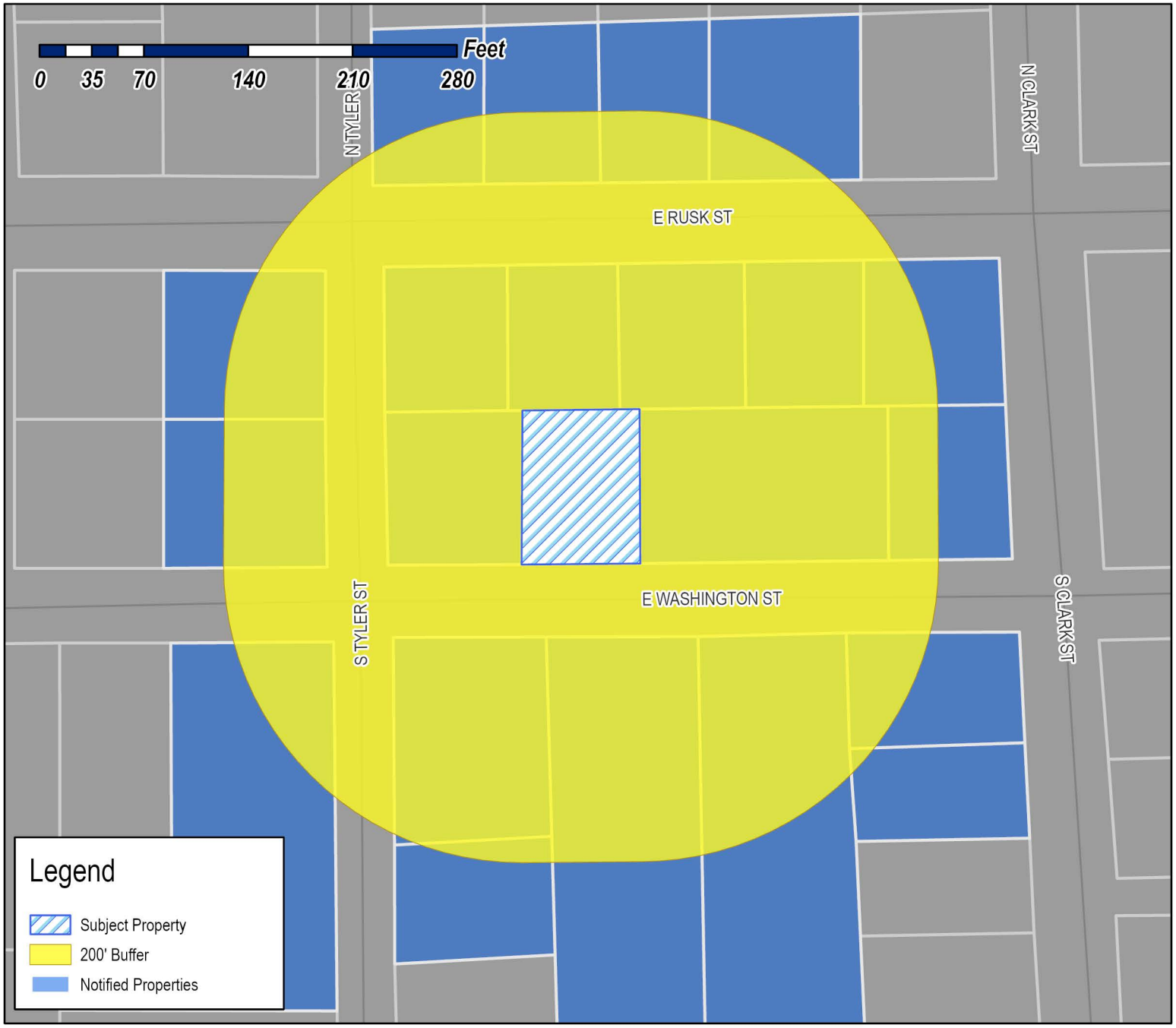
City of Rockwall
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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.

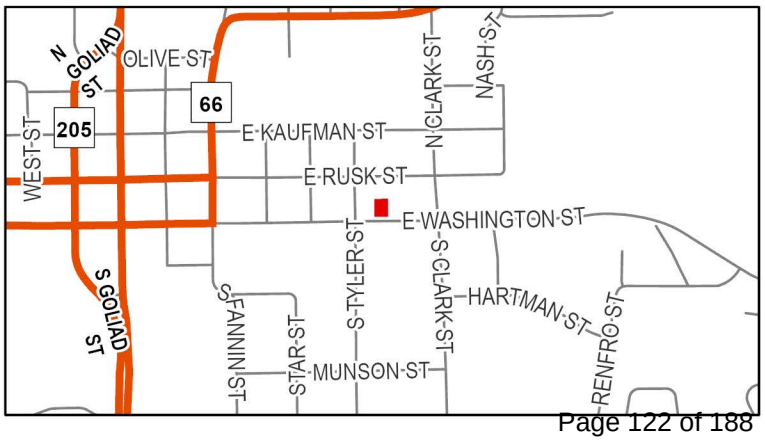
City of Rockwall

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Case Number: H2023-014
Case Name: COA for High Contributing Property
Case Type: Historic
Zoning: Single-Family 7 (SF-7) District
Case Address: 605 E. Washington Street



Date Saved: 10/3/2023
For Questions on this Case Call: (972) 771-7746

SMILEY KAREN APRIL
605 E RUSK
ROCKWALL, TX 75087

DUTT JOHN RICHARD JR ETUX
505 E WASHINGTON
ROCKWALL, TX 75087

BIRKENBACK JOSSEPH M & OLGA M
506 E RUSK ST
ROCKWALL, TX 75087

BRUCE JAMES E JR & SHERYL
602 EWASHINGTON
ROCKWALL, TX 75087

CARSON HEATHER
606 E WASHINGTON
ROCKWALL, TX 75087

RICHARD HARRIS AND JUDY HARRIS FAMILY TRUST
211 TYLER ST
ROCKWALL, TX 75087

RICH LISA
202 S CLARK ST
ROCKWALL, TX 75087

MUNSON PARTNERS 1 LLC
204 S CLARK ST
ROCKWALL, TX 75087

WALLACE DUSTIN & KATHERINE
608 WASHINGTON
ROCKWALL, TX 75087

INTEGRITY ALL CASH HOME BUYERS LLC
603 E RUSK
ROCKWALL, TX 75087

GLASS JERRY
601 E WASHINGTON
ROCKWALL, TX 75087

GREEN JAMES KEITH II & HOLLY NICOLE
605 E WASHINGTON
ROCKWALL, TX 75087

ROCKWALL COMMUNITY PLAYHOUSE
609 E RUSK
ROCKWALL, TX 75087

REEVES ASHLEY ELLEN & DANIEL GARRET
609 E WASHINGTON
ROCKWALL, TX 75087

BETHEL TEMPLE BAPTIST
210 TYLER ST
ROCKWALL, TX 75087

COX GERALD GLEN AND ROSALBA CARRASCO
106 S CLARK ST
ROCKWALL, TX 75087

WILLIAMS JERRY LANE
608 E RUSK
ROCKWALL, TX 75087

SMITH GREGORY P & MARILYN
610 E RUSK
ROCKWALL, TX 75087

ROBINSON NELDA
602 E RUSK
ROCKWALL, TX 75087

HORNER ANDREA J
604 E RUSK
ROCKWALL, TX 75087

KINSEY DONALD H & TARI L
102 S CLARK ST
ROCKWALL, TX 75087

QUINTON BILLY & AUTUMN
601 E RUSK ST
ROCKWALL, TX 75087

RESIDENT
P.O. BOX 3061
WARMINSTER, PA 18974

RESIDENT
210 GLENN AVENUE
ROCKWALL, TX 75087

RESIDENT
3435 HWY 276
ROCKWALL, TX 75087

RESIDENT
7340 BAKER BLVD
#392
RICHLAND HILLS, TX 76118

RESIDENT
301 MEADOWDALE DR
ROCKWALL, TX 75087

RESIDENT
520 E WASHINGTON STREET
ROCKWALL, TX 75087

RESIDENT
815 T L TOWNSEND
STE 100
ROCKWALL, TX 75087

RESIDENT
2 MANOR COURT
HEATH, TX 758032

RESIDENT
102 N TYLER ST
ROCKWALL, TX 758087

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 Historic Preservation Advisory Board will consider the following application:

Case No. H2023-016: Certificate of Appropriateness for 605 E. Washington Street

Hold a public hearing to discuss and consider a request by Keith Green for the approval of a Certificate of Appropriateness (COA) for an accessory building on a High Contributing Property being a 0.22-acre tract of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary.

For the purpose of considering the effects of such a request, the Historic Preservation Advisory Board will hold a public hearing on *Thursday, October 19, 2023 at 6:00 PM*. This hearing 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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by *Thursday, October 19, 2023 at 4:00 PM* to ensure they are included in the information provided to the Historic Preservation Advisory Board.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

PLEASE RETURN THE BELOW FORM

Case No. H2023-016: Certificate of Appropriateness for 605 E. Washington Street
Please place a check mark on the appropriate line below:

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

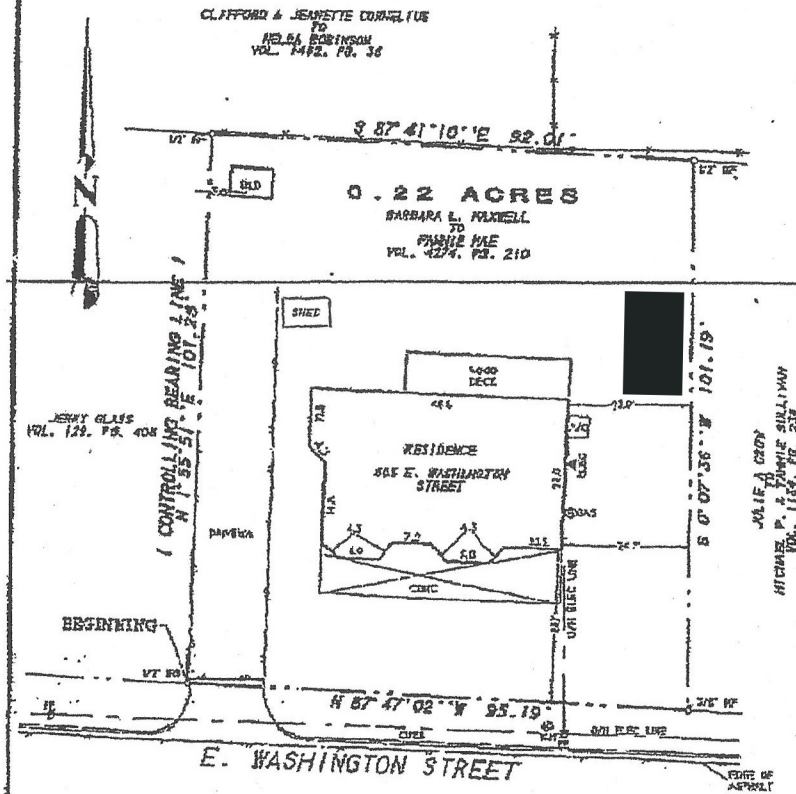
☐ I am opposed to the request for the reasons listed below.

Name:

Address:

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

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



DESCRIPTION

All that certain lot, tract or parcel of land situated in the B.F. BOYDSTUN SURVEY, ABSTRACT NO. 14, City of Rockwall, Rockwall County, Texas, and being all of a tract as described in a Substitute Trustee's deed from Barbara L. Maxwell to Feanie Mae also known as Federal National Mortgage Association, dated November 1, 2005 and being recorded in Volume 4274, Page 210 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the North right-of-way line of E. Washington Street (SH 66 R.O.W.) at the Southwest corner of said Feanie Mae tract and the Southeast corner of a 0.46 acres tract of land as described in a Deed to Jerry Glass and wife, Jo Kay Glass, as recorded in Volume 129, Page 408 of the Real Property Records of Rockwall County, Texas;

THENCE N. 01 deg. 55 min. 51 sec. E. (Controlling bearing line) along the East line of said 0.46 acres tract, a distance of 101.28 feet to a 1/2" iron rod found for corner;

THENCE S. 87 deg. 41 min. 10 sec. E. a distance of 92.01 feet to a 1/2" iron rod found for corner at the Northwest corner of a tract of land as described in a Warranty deed from Julie A. Crow to Michael P. Sullivan and Jennifer Sullivan, as recorded in Volume 1134, Page 238 of the Real Property Records of Rockwall County, Texas;

THENCE S. 00 deg. 07 min. 36 sec. W. along the West line of said Sullivan tract, a distance of 101.19 feet to a 3/8" iron rod found for corner in the North line of E. Washington Street;

THENCE N. 87 deg. 47 min. 02 sec. W. along said right-of-way line, a distance of 95.19 feet to the POINT OF BEGINNING and containing 0.22 acres of land.

NOTES

1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 480547 0005 C dated June 16, 1992, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.

2) BEARING SOURCE: RECORDED DEED IN VOL. 4274, PG. 210, R.P.R.R.C.T.

3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I. RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for AMERICAN TITLE COMPANY, COUNTRYWIDE HOME LOANS, and CHARLES S. & APRIL WURSTER at 805 E. WASHINGTON STREET, ROCKWALL, Rockwall County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 15th day of September, 2008.

Harold D. Fetty III, R.P.L.S. No. 5034

STATE OF TEXAS REGISTERED HAROLD D. FETTY III 5034 PROFESSIONAL LAND SURVEYOR

SYMBOL LEGEND

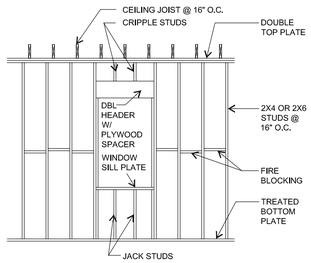
R.S.C.I.
ROCKWALL SURVEYING CO., INC. LAND SURVEYING
1844 E. FM 551 ROYSE CITY, TX 75189 972-772-5494 PHONE 972-772-5446 FAX

SURVEY DATE: SEPTEMBER 15, 2008
SCALE: 1" = 20' FILE: 2008-739
CLIENT: WURSTER GF# 1205981-RTT

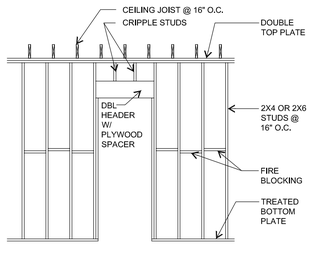
DATE
DATE

A NEW BACKYARD SHED FOR KEITH AND HOLLY GREEN

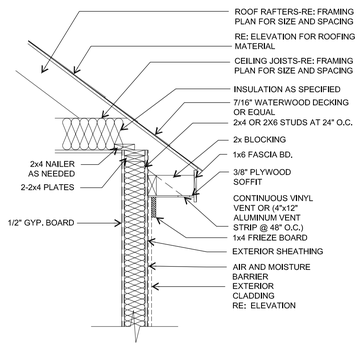
605 E. WASHINGTON ST. ROCKWALL 75087



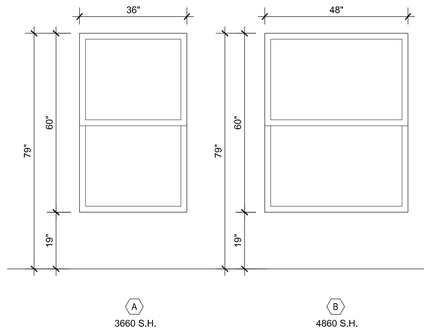
12 TYP. WINDOW FRAMING
SCALE: 1/4" = 1'-0"



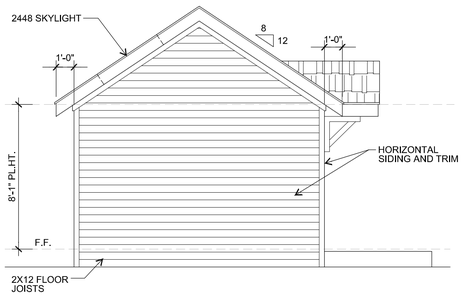
11 TYP. DOOR FRAMING
SCALE: 1/4" = 1'-0"



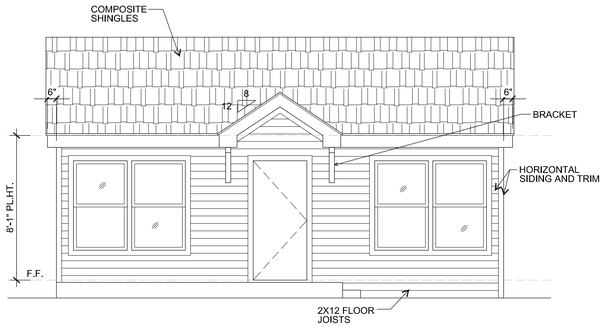
10 TYP. SOFFIT DETAIL
SCALE: 1/4" = 1'-0"



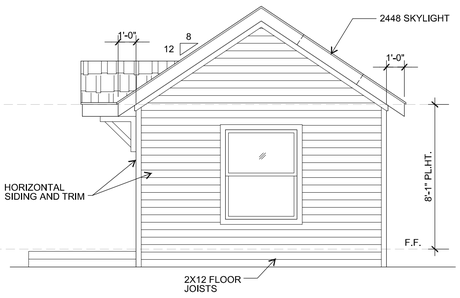
9 WINDOW TYPES
NO SCALE



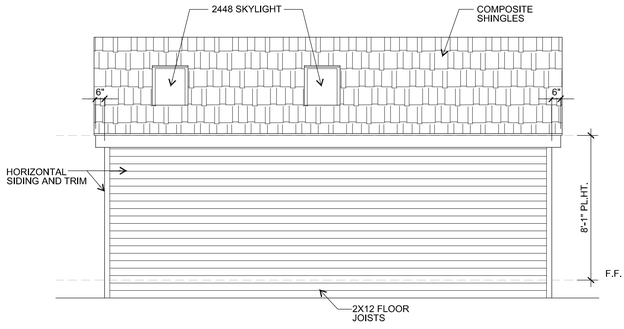
8 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



7 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



6 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



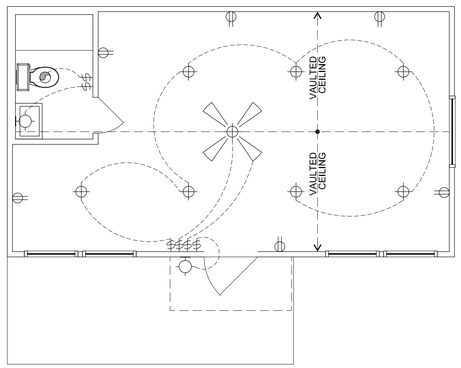
5 REAR ELEVATION
SCALE: 1/4" = 1'-0"

ELECTRICAL NOTES:
1.) CONSULT LOCAL UTILITY & LOCAL CODES FOR PROPER GROUNDING REQUIREMENTS.
2.) RECEPTACLES SHALL BE SPACED ACCORDINGLY SO THAT AT NO POINT ALONG THE FLOOR LINE IS MORE THAN 6'-0" FROM AN OUTLET. NO SPACES FURTHER APART THAN 12" UNLESS NOTED OTHERWISE OR PER ANY SPECIFIC CODES.
3.) ALL RECEPTACLES IN BATHROOMS, GARAGES, OR OUTDOORS SHALL BE PROTECTED BY A GROUND FAULT INTERRUPTION SYSTEM (GFI) AND AS NOTED ON THE DRAWINGS.
4.) SWITCH PLATES TO BE PLACED AT 42" ABOVE FINISH FLOOR TO CENTER OF SWITCH TYPICAL.
5.) ALL LIGHTING FIXTURES LOCATED IN CLOSETS OR STORAGE AREAS SHALL BE LOCATED A MINIMUM OF 18" FROM ALL SHELVING.
6.)PROVIDE 150 AMP ELECTRICAL SERVICE PANEL WITH METER EQUIP.
7.) PROVIDE DISCONNECT SWITCH FOR AIR HANDLER IN SPACE REQUIRED.

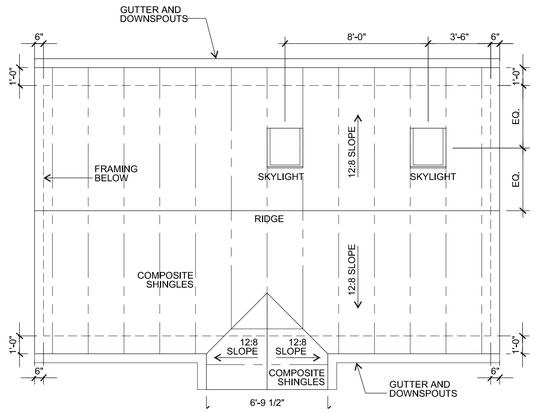
ELECTRICAL SCHEDULE

SYMBOL	DESCRIPTION
$	SINGLE POLE SWITCH
	110V OUTLET
	RECESSED CAN FIXTURE
	SCONCE
	CEILING FAN WITH LIGHT KIT
	EXHAUST FAN

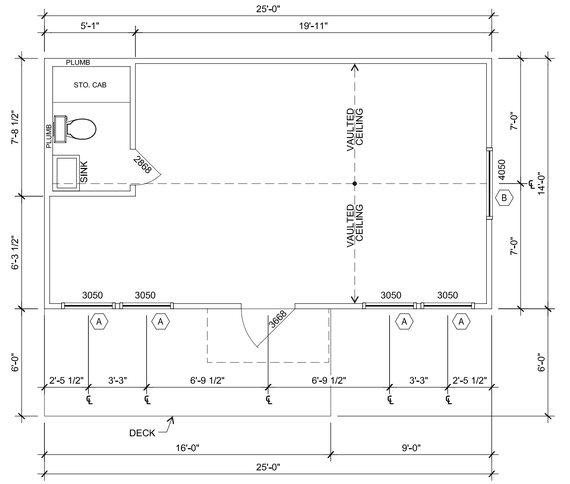
NOTE: ALL OUTLETS IN BATHROOMS TO BE G.F.I.



3 POWER PLAN
SCALE: 1/4" = 1'-0"



2 ROOF PLAN
SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	AREAS
350	FLOOR PLAN

NEW SHED

KEITH AND HOLLY GREEN

605 E. WASHINGTON ST. ROCKWALL TX 75087

ISSUE LOG

DATE ISSUE	DESCRIPTION
09/11/23	FOR BIDDING AND PERMIT

REVISION LOG

DATE ISSUE	DESCRIPTION	REV. NO.

ISSUED FOR:

- ☐ PRELIMINARY - NOT FOR CONSTRUCTION
- ■ BIDDING / PERMIT
- ☐ REVISION / ADDENDUM
- ☐ FOR CONSTRUCTION

HH HIGHVIEW HOMES

ARCH. PROJ. #:	SCALE:
09/06/23	REF. DRAWING

SHEET NO.

A1.0

SHED NOTES, PLANS, ELEVATIONS




605




605
ADT


605
OCT 18 2006


605
OCT 18 2006


NOV 11 2004

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, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN 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 Keith Green for the approval of a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Block 43A of the B.F. Boydstun Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Guest Quarters/Secondary Living Unit* in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and may be amended in the future* -- and with the following conditions:

DRAFT 1.12.2023

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a *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 *Concept Plan* as depicted in *Exhibit 'B'* of this ordinance.

2) The construction of the *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 a maximum size of 350 SF.

4) The maximum height of the *Guest Quarters/Secondary Living Unit* shall not exceed a total height of 15-feet as measured to highest point of the pitched roof.

5) The *Guest Quarters/Secondary Living Unit* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

2.2 COMPLIANCE

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

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

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

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

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

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

DRAFT ORDINANCE 1.20.2023

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 4th DAY OF DECEMBER, 2023.

_____
Trace Johannesen, *Mayor*

ATTEST:

_____
Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____
Frank J. Garza, *City Attorney*

1st Reading: *November 20, 2023*

2nd Reading: *December 4, 2023*

DRAFT ORDINANCE 11.20.2023

Exhibit 'A':
Location Map

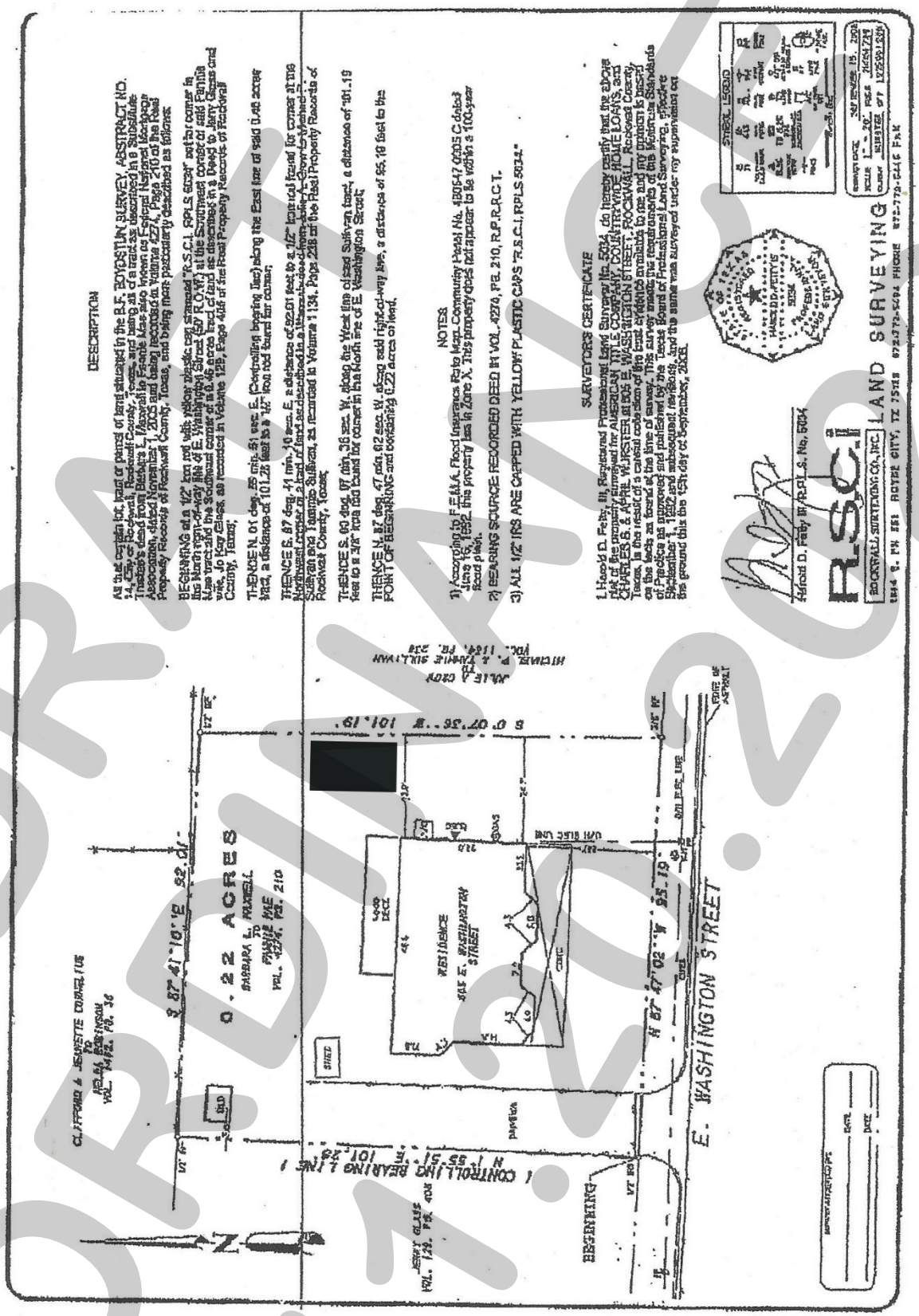
Address: *605 E. Washington Street*

Legal Description: *Block 43A of the B.F. Boydstun Addition*



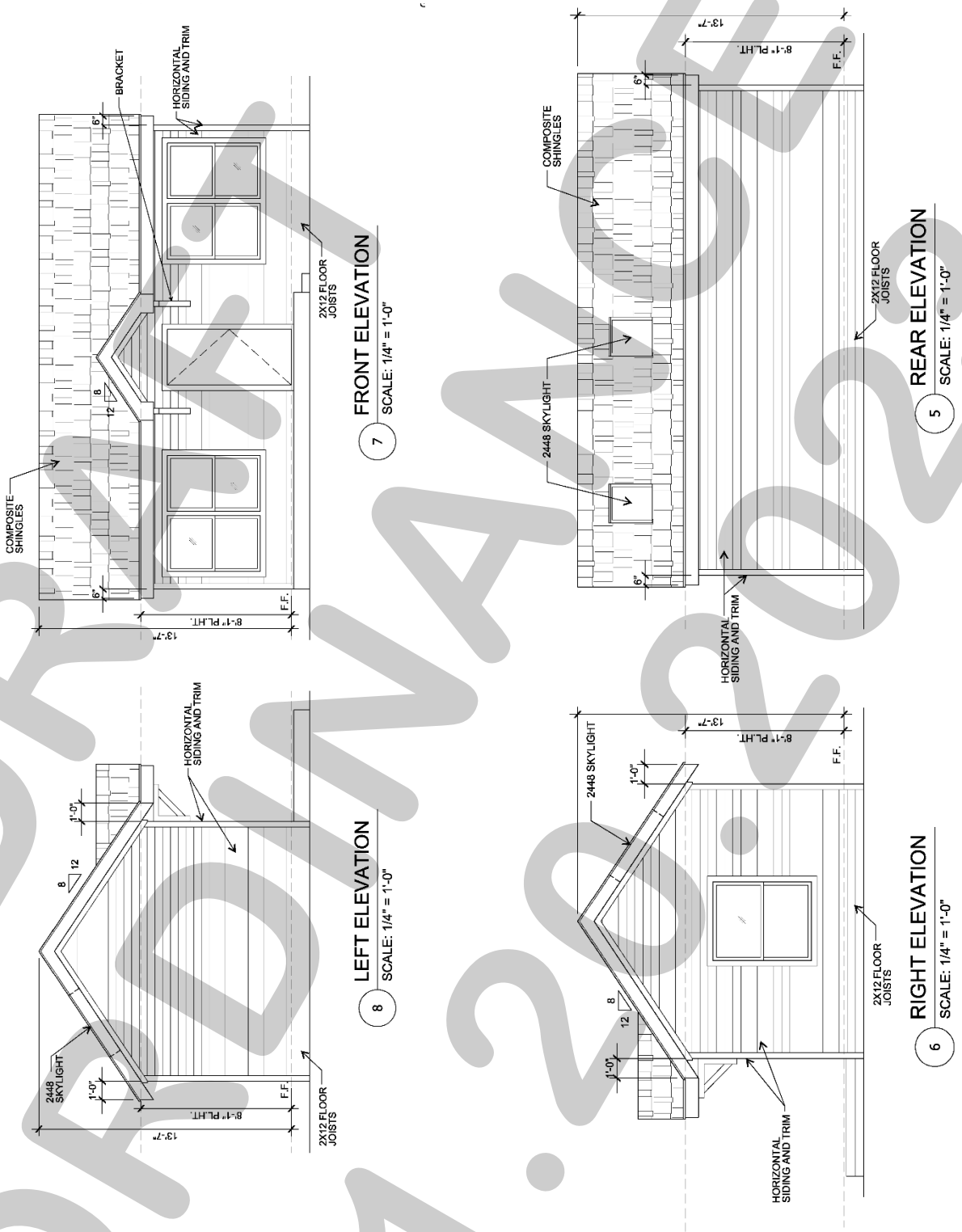
DRAFT 10/19/2023

Exhibit 'B':
Concept Plan



DRAFT
ORDINANCE
11.20.2023

Exhibit 'C':
Building Elevations



DRAFT ORDINANCE 1.2023

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:	November 20, 2023
APPLICANT:	Jeff Carroll; *Carroll Architects, Inc.*
CASE NUMBER:	Z2023-051; *Zoning Change from Agricultural (AG) District to a Light Industrial (LI) District for 1775 Airport Road*

SUMMARY

Hold a public hearing to discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport Road, and take any action necessary.

BACKGROUND

The subject property was annexed on September 2, 1975 by *Ordinance No. 75-12* [*i.e. Case No. A1975-001*]. At the time of annexation, the subject property was zoned Agricultural (AG) District and has remained zoned Agricultural (AG) District since being annexed. According to Rockwall Central Appraisal District, there is an 1,891 SF single-family residential home that was constructed on the property in 1950; however, it appears the home is in disrepair and is currently vacant. On May 2, 2022, the City Council approved an *Alternative Tree Mitigation Settlement Agreement* (*i.e. Case No. MIS2022-007*) allowing all the trees to be removed from the subject property in exchange for a payment of $7,800.00 into the City's *Tree Fund*.

PURPOSE

On October 20, 2023, the applicant -- *Jeff Carroll of Carroll Architects, Inc.* -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District.

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 1775 Airport Road. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a 12.00-acre vacant tract of land (*i.e. Tract 21 of the D. Harr Survey, Abstract No. 102*), which is zoned Agricultural (AG) District. Beyond this is a 42.66-acre tract of land (*i.e. Tract 7 of the D. Harr Survey, Abstract No. 102*), which is zoned Agricultural (AG) District. Currently situated on this tract of land is a single-family home and two (2) accessory buildings. North of this is E. SH-66, which is classified as a P6D (*i.e. principal arterial, six (6) lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is Airport Road, which is identified as a M4U (*i.e. major collector, four [4] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of Airport Road is one (1) vacant tract of land (*i.e. Tract 2-01 of the D. Harr Survey, Abstract No. 102*), which is zoned Light Industrial (LI) District. Beyond this is the right-of-way for the *Union Pacific Dallas/Garland Northeast Railroad*.

East: Directly east of the subject property is one (1) tract of land (*i.e. Tract 22 of the D. Harr Survey, Abstract No. 102*) that is owned by the City of Rockwall. This is the current location of the City's *Regional Firearms Training Center*. Beyond

this is a 64.514-acre tract of land (*i.e. Tract 15 of the D. Harr Survey, Abstract No. 102*) that forms part of a 74.514-acre tract of land. This property is also owned by the City of Rockwall and has the City's *Animal Adoption Center* located on it. Both of these properties are zoned Agricultural (AG) District. East of this is the Airport Acres Subdivision, which was established in 1984 and consists of 20 single-family residential lots on 9.07-acres.

West: Directly west of the subject property is a 47.89-acre parcel of land (*i.e. Lot 1 of the Rockwall Municipal Airport*) that makes up the Rockwall Municipal Airport and is zoned Agricultural (AG) District. Beyond this is part of a 31.393-acre tract of vacant land (*i.e. Tract 3 of the N. Butler Survey, Abstract No. 20*), which is zoned Agricultural (AG) District. West of this is S. John King Boulevard, which is identified as a P6D (*i.e. a principal arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST

The applicant is requesting to rezone the 6.60-acre parcel of land from an Agricultural (AG) District to a Light Industrial (LI) District. It should be noted, that if this zoning change is approved, any development on the subject property will be required to adhere to all applicable requirements of the Unified Development Code (UDC) for a property that is zoned Light Industrial (LI) District and is situated within the Airport Overlay (AP OV) District.

CONFORMANCE WITH THE CITY'S CODES

According to Subsection 05.02, *Light Industrial (LI) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses … [*and*] is intended for industrial parks and larger, cleaner types of industries." In this case, the properties adjacent to the subject property are zoned Light Industrial (LI) District and Agricultural (AG) District. Based on this, the requested zoning change does appear to conform to the surrounding area. If the applicant's zoning request is approved, the subject property will be required to conform to all of the requirements stipulated for properties in a Light Industrial (LI) District, which are summarized as follows:

TABLE 1: LIGHT INDUSTRIAL (LI) DISTRICT DEVELOPMENT STANDARDS

Minimum Lot Area	12,500 SF
Minimum Lot Width	100'
Minimum Lot Depth	125'
Minimum Front Yard Setback [1]	25'
Minimum Side Yard Setback [2] & [3]	15' + ½ Height Over 36'
Minimum Rear Yard Setback [2] & [3]	10'
Minimum Between Buildings [2] & [3]	15' + ½ Height Over 36'
Maximum Building Height [4]	60'
Maximum Building Size	*N/A*
Maximum Lot Coverage	60%
Minimum Landscaping	15%

General Notes:

[1]: From future right-of-way as shown on the adopted Master Thoroughfare Plan or as actually exists, whichever is greater.

[2]: Not to exceed 50-feet.

[3]: ½ Height Over 36-feet with a fire rated wall.

[4]: Building height may be increased up to 120-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.

CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the *Central District* and is designated for *Technology/Employment Center* land uses. The *Central District* is defined as being "…composed of a wide range of uses that vary from single-family to industrial… [*and*] (t)he *Central District* also incorporates a high volume of industrial land uses adjacent to the Union Pacific/Dallas Garland and Northeastern Railroad line that bisects the district." Based on this the proposed zoning change conforms to the *Technology/Employment Center* land use designation and with the *District Strategies* of the *Central District*.

NOTIFICATIONS

On October 24, 2023, staff notified 14 property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOA) 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 written, staff had not received any notices in regard to the applicant's request.

CONDITIONS OF APPROVAL

If City Council chooses to approve of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Light Industrial (LI) 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 November 14, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the *Zoning Change* by a vote of 7-0.

DEVELOPMENT APPLICATION

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

STAFF USE ONLY
PLANNING & ZONING CASE NO. Z2023-051

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:
- ☐ MASTER PLAT ($100.00 + $15.00 ACRE) [1]
- ☐ PRELIMINARY PLAT ($200.00 + $15.00 ACRE) [1]
- ☐ FINAL PLAT ($300.00 + $20.00 ACRE) [1]
- ☐ REPLAT ($300.00 + $20.00 ACRE) [1]
- ☐ AMENDING OR MINOR PLAT ($150.00)
- ☐ PLAT REINSTATEMENT REQUEST ($100.00)

SITE PLAN APPLICATION FEES:
- ☐ SITE PLAN ($250.00 + $20.00 ACRE) [1]
- ☐ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN ($100.00)

ZONING APPLICATION FEES:
- ☒ ZONING CHANGE ($200.00 + $15.00 ACRE) [1]
- ☐ SPECIFIC USE PERMIT ($200.00 + $15.00 ACRE) [1 & 2]
- ☐ PD DEVELOPMENT PLANS ($200.00 + $15.00 ACRE) [1]

OTHER APPLICATION FEES:
- ☐ TREE REMOVAL ($75.00)
- ☐ VARIANCE REQUEST/SPECIAL EXCEPTIONS ($100.00) [2]

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS: 1775 AIRPORT ROAD ROCKWALL, TX 75087
SUBDIVISION: DAVID HARR SURVEY, A-102 LOT BLOCK
GENERAL LOCATION: NEC AIRPORT Rd & ROCKWALL MUNICIPAL AIRPORT

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING: AG CURRENT USE: AG
PROPOSED ZONING: LIGHT INDUSTRIAL LI PROPOSED USE: OFFICE/WHSE
ACREAGE: 6.6 LOTS [CURRENT]: 2 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]

☒ OWNER	Conselman Equities	☒ APPLICANT	Carroll Architects, INC
CONTACT PERSON	FRANK CONSELMAN	CONTACT PERSON	JEFF CARROLL
ADDRESS	3925 RUGER DR.	ADDRESS	750 E. Interstate 30 Ste: 110
CITY, STATE & ZIP	Royse City, TX 75189	CITY, STATE & ZIP	ROCKWALL, TX 75087
PHONE	469.323.1937	PHONE	214.632.1762
E-MAIL	FRANK@TEXASPRODUCTS.COM	E-MAIL	JC@CARROLLARCH.COM

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ [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 $ 300.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20th DAY OF OCTOBER, 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."

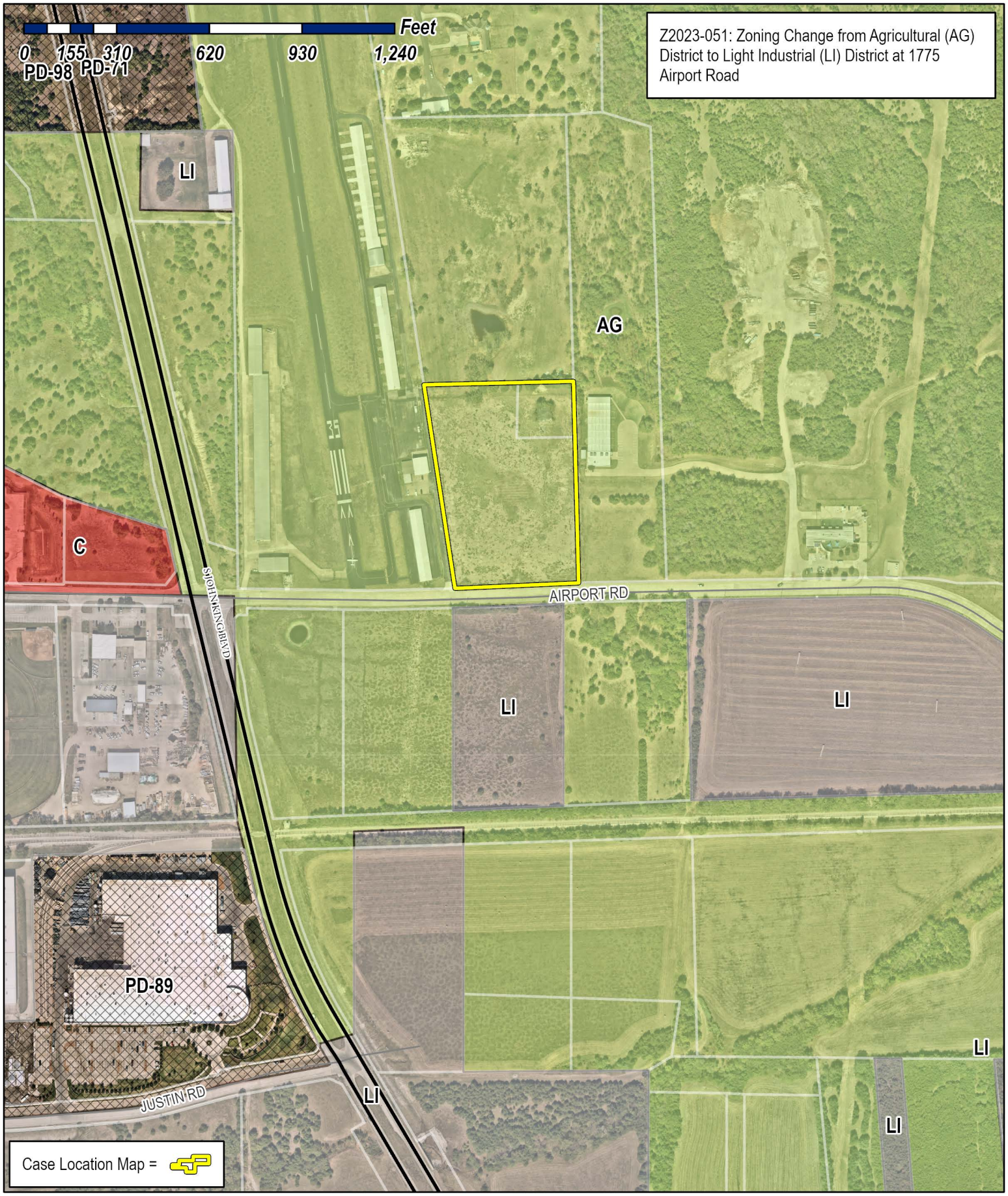
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 20th DAY OF October, 2023.

OWNER'S SIGNATURE Frank Conselman

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Megan Murphy

MEGAN MURPHY
Notary Public, State of Texas
Comm. Expires 05-10-2024
Notary ID 130656823

MY COMMISSION EXPIRES 5.10.24



Z2023-051: Zoning Change from Agricultural (AG) District to Light Industrial (LI) District at 1775 Airport Road

City of Rockwall

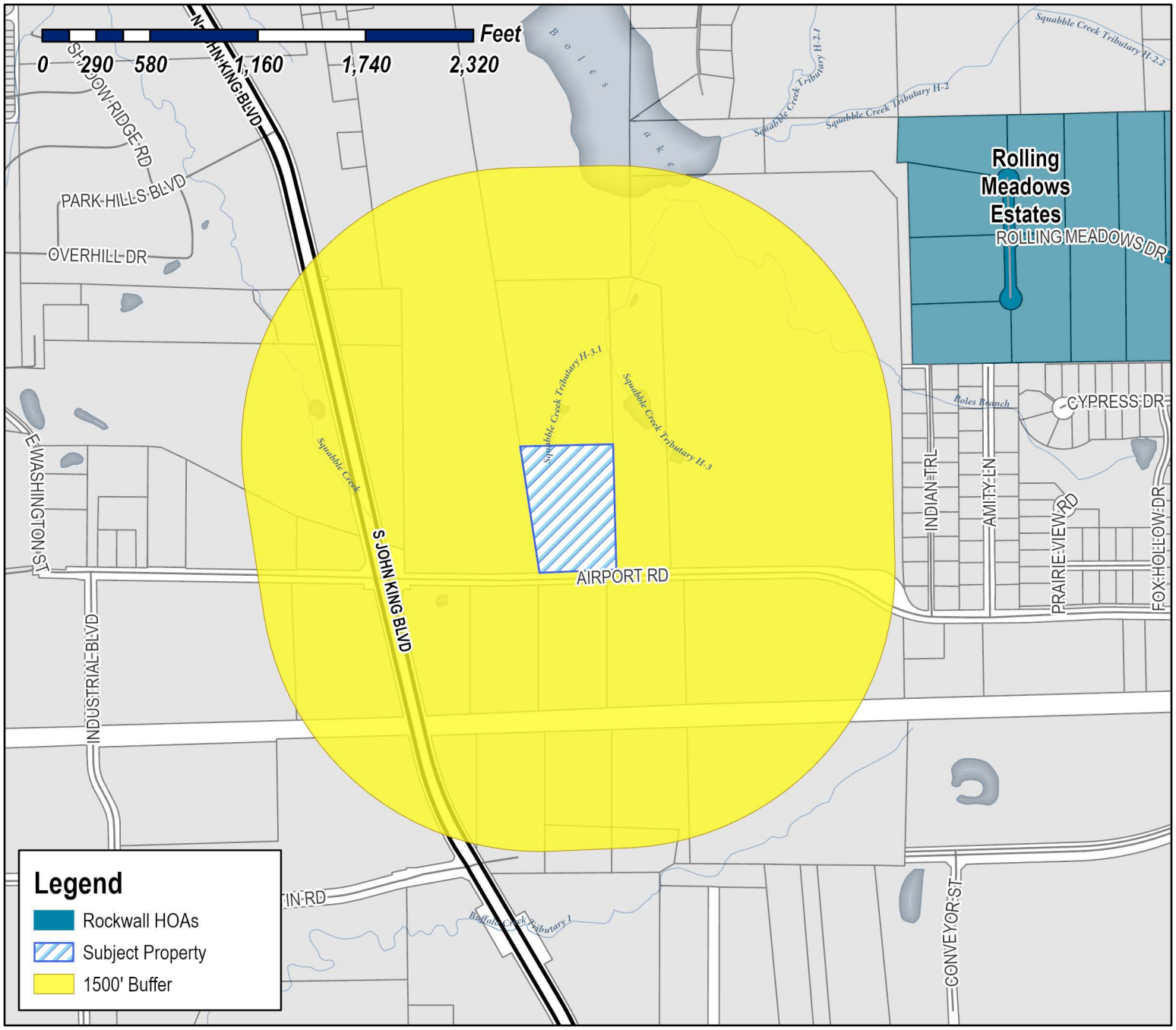
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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: Z2023-051
Case Name: Zoning Change from AG to LI
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1775 Airport Road

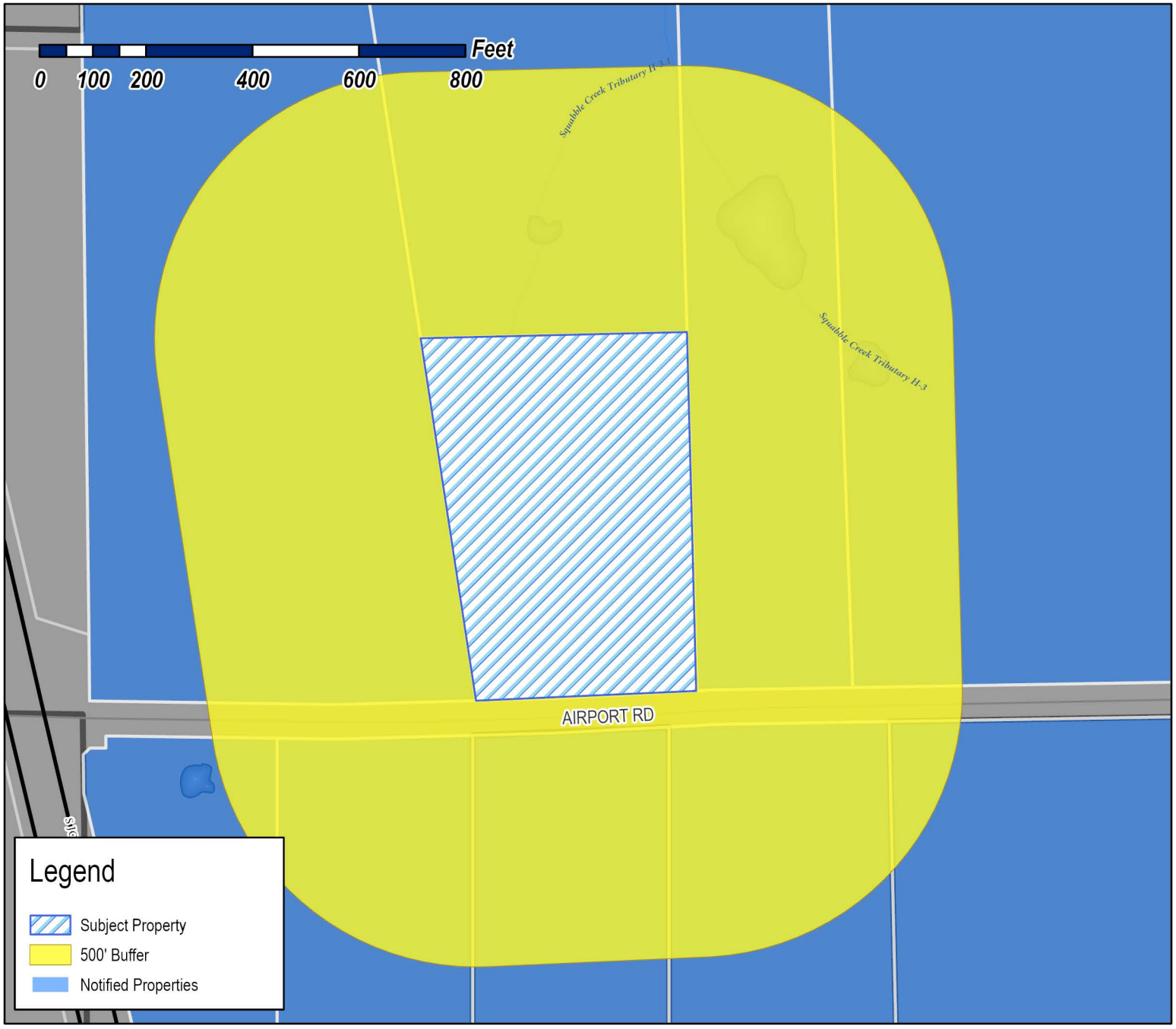


Date Saved: 10/20/2023
For Questions on this Case Call (972) 771-7745

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: Z2023-051
Case Name: Zoning Change from AG to LI
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 1775 Airport Road



Date Saved: 10/20/2023
For Questions on this Case Call: (972) 771-7746

SARO PARTNERS LLC
1450 T L TOWNSEND
ROCKWALL, TX 75032

PEOPLES MICHAEL L JR AND
SHERYL NEWMAN PEOPLES
1700 STATE HIGHWAY 66
ROCKWALL, TX 75087

RESIDENT
1701 AIRPORT RD
ROCKWALL, TX 75087

RESIDENT
1765 AIRPORT RD
ROCKWALL, TX 75087

RESIDENT
1775 AIRPORT RD
ROCKWALL, TX 75087

RESIDENT
1780 AIRPORT RD
ROCKWALL, TX 75087

RESIDENT
1815 AIRPORT RD
ROCKWALL, TX 75087

RESIDENT
1824 AIRPORT RD
ROCKWALL, TX 75087

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

CITY OF ROCKWALL
385 S GOLIAD ST
ROCKWALL, TX 75087

PLATFORM ROCKWALL LP
ATTN JUSTIN T DAY
4131 SPICEWOOD SPRINGS RD SUITE E4
AUSTIN, TX 78759

FLEXSPACE BUSINESS PARKS LLC
835 TILLMAN DR
ALLEN, TX 75013

ADD REAL ESTATE LTD
PO BOX 679
KELLER, TX 76248

MEALS ON WHEELS SENIOR SERVICES OF
ROCKWALL COUNTY
PO BOX 910
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:

Z2023-051: Zoning Change from AG to LI
Hold a public hearing to discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport 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, November 14, 2023 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, November 20, 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. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by *Monday, November 20, 2023 at 4:00 PM* to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning

USE THIS QR CODE TO GO DIRECTLY TO THE WEBSITE

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

PLEASE RETURN THE BELOW FORM

Case No. Z2023-051: Zoning Change from AG to LI

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

CARROLL architects

750 Interstate 30
Suite 110
Rockwall,TX 75087
t: 972-732-6085
f: 972-732-8058

October 20, 2023

Ryan Miller
Director of Planning
City of Rockwall, Texas
385 S. Goliad
Rockwall, Texas 75087

Re: Narrative for Rezoning 6.6 Ac Lot
1775 Airport Rd
Rockwall, TX

Ryan,

We are proposing to rezone this property from Agriculture to Light Industrial. This follows the Comprehensive Zoning Plan for the City of Rockwall. This new development is for a corporate headquarters needing typical industrial, manufacturing, warehouse with offices and truck shipping and receiving. We are anticipating two drive approach access points along the main road.

Thank you for your consideration and reviewing our request and ask for your approval.

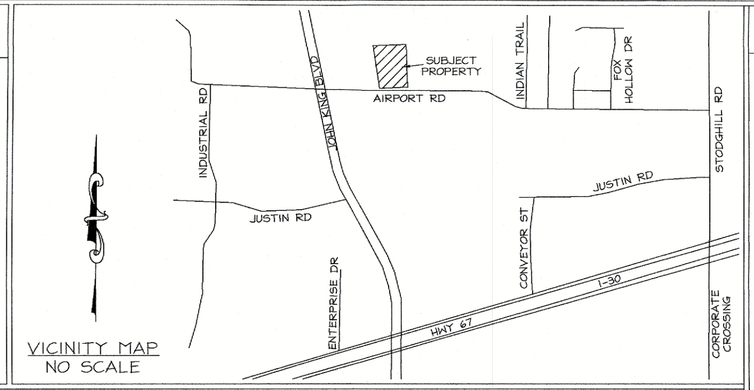
Sincerely,

Jeff Carroll

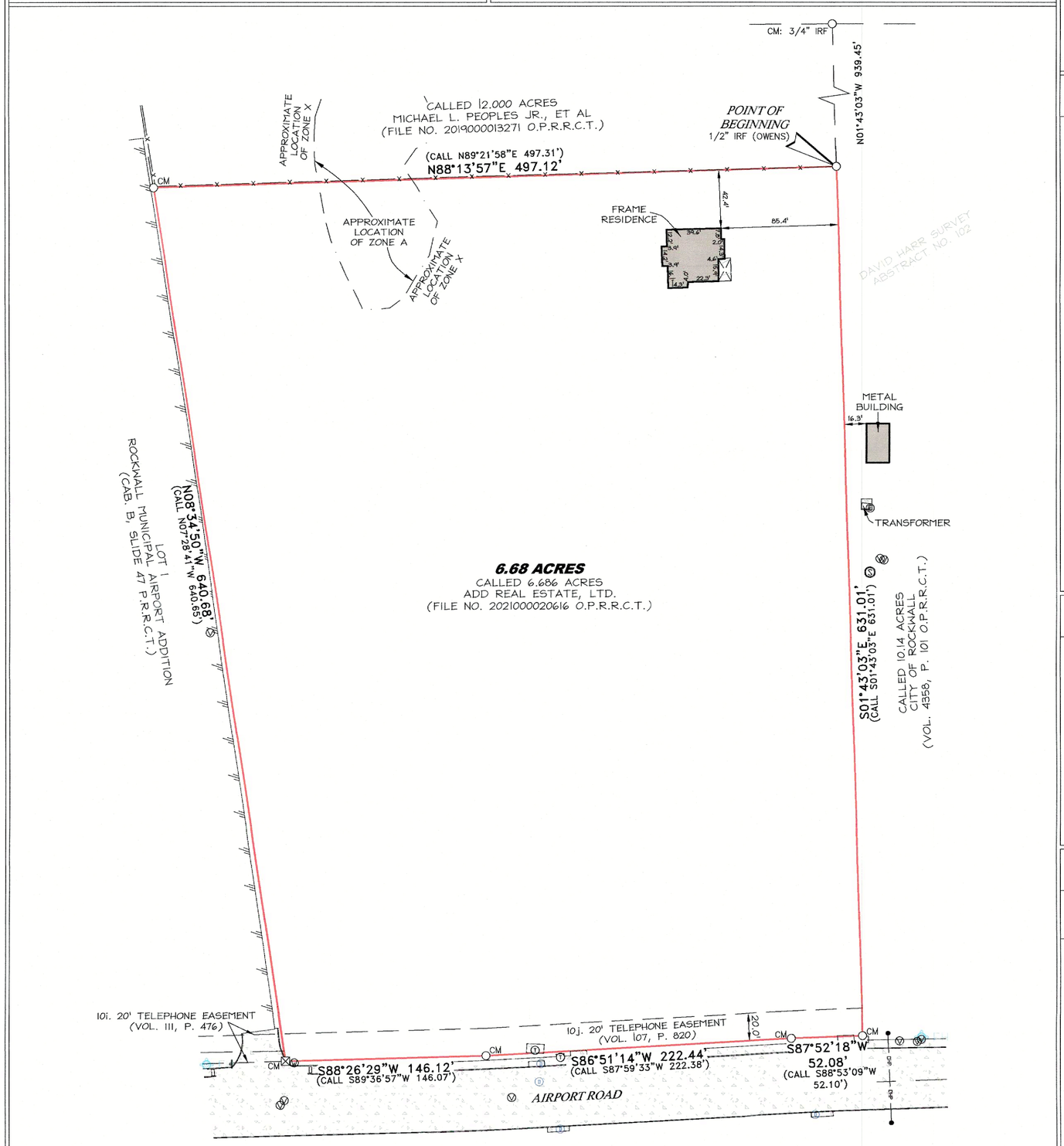
Jeff Carroll, Architect
Carroll Architects, Inc.

LEGEND

CM CONTROLLING MONUMENT	—— X —— BARBED WIRE FENCE
○ 1/2" IRON ROD FOUND (HOLDER)	ASPHALT
⊠ "X" FOUND IN CONCRETE	—— OHP —— OVERHEAD ELECTRIC
Ⓥ WATER VALVE	
Ⓔ ELECTRIC METER	COVERED PORCH, OVERHANG
Ⓣ TELE. PEDESTAL	CONCRETE
• POWER POLE	BUILDING
Ⓦ WATER METER	WOOD DECK
Ⓣ TELE. MANHOLE	
SIGN	
Ⓓ STORM DRAIN	
Ⓢ SANITARY SEWER	
FH FIRE HYDRANT	



VICINITY MAP
NO SCALE



LEGAL DESCRIPTION

Being a 6.68 acre tract or parcel of land situated in the David Harr Survey, Abstract No. 102, Rockwall County, Texas, and being all of that certain called 6.686 acre tract of land conveyed from Jo Ann Athey, Guardian, to ADD Real Estate, Ltd., by Warranty Deed, as recorded in File No. 20210000020616, Official Public Records, Rockwall County, Texas, (Bearings are based on NAD 83 (2011), Texas North Central 4202, as observed by GPS. Area and distances shown hereon are at grid), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found capped (Owens) at the Northeast corner of said 6.686 acre tract, at the Southeast corner of a called 12.000 acre tract of land conveyed to Michael L. Peoples Jr., et al, by deed as recorded in File No. 20190000013271, Official Public Records, Rockwall County, Texas, and in the West line of a called 10.14 acre tract of land conveyed to the City of Rockwall, by deed as recorded in Volume 4358, Page 101, Official Public Records, Rockwall County, Texas, from which a 3/4" iron rod found at the Northeast corner of said 12.000 acre tract and at the Northwest corner of said 10.14 acre tract bears North 01 degrees 43 minutes 03 seconds West, a distance of 939.45 feet;

THENCE South 01 degrees 43 minutes 03 seconds East, with the East line of said 6.686 acre tract and with the West line of said 10.14 acre tract, a distance of 631.01 feet to a 1/2" iron rod found capped (Holder) at the Southeast corner of said 6.686 acre tract and in the North margin of Airport Road;

THENCE with the South line of said 6.686 acre tract and along the North margin of Airport Road, the following courses and distances:
South 87 degrees 52 minutes 18 seconds West, a distance of 52.08 feet to a 1/2" iron rod found capped (Holder);
South 86 degrees 51 minutes 14 seconds West, a distance of 222.44 feet to a 1/2" iron rod found capped (Holder);
South 88 degrees 26 minutes 29 seconds West, a distance of 146.12 feet to an "X" found in concrete at the Southwest corner of said 6.686 acre tract;

THENCE North 08 degrees 34 minutes 50 seconds West, with the West line of said 6.686 acre tract and with the East line of Lot 1, Rockwall Municipal Airport Addition, according to the plat thereof as recorded in Cabinet B, Slide 47, Plat Records, Rockwall County, Texas, a distance of 640.68 feet to a 1/2" iron rod found capped (Holder) at the Northwest corner of said 6.686 acre tract and at the Southwest corner of said 12.000 acre tract;

THENCE North 88 degrees 13 minutes 57 seconds East, with the North line of said 6.686 acre tract and with the South line of said 12.000 acre tract, a distance of 497.12 feet to the POINT OF BEGINNING and CONTAINING 6.68 acres of land.

SURVEYOR'S NOTES

1) Bearings are based on NAD83 (2011), Texas North Central Zone No. 4202, as observed by GPS. Area and distances shown hereon are at grid.

2) The property described and depicted hereon is the same property as described in Fidelity National Title Insurance Company Commitment No. FT-44122-9001222301867-LE, with an Effective date of August 30, 2023, and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.

3) The legal description, shown hereon, creates a mathematically closed figure.

4) There is no observed evidence of current earth moving work, building construction or building additions and is listed as follows and shown hereon, at the conclusion of field work.

5) There are no observed evidence of changes to the street right of way, to this surveyor's knowledge.

6) There is no observed evidence of recent street or sidewalk construction or repairs, at the conclusion of field work.

7) There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill except as noted below and shown hereon, at the conclusion of field work.

8) There is no observed evidence of the property being, or having been, used for cemetery, burial ground or grave site purposes, at the conclusion of field work.

9) All above ground evidence of utilities, drainage structures, structural support and ingress and egress for or from adjoining properties is shown hereon.

10) There are no designated parking spaces.

SCHEDULE B ITEMS

1. There are no restrictive covenants listed in title commitment.

10. e. Easement(s) and rights incidental thereto, as granted in a document: Granted to: Dr. Harold B. Younger and Robert H. Burks; Purpose: As provided in said document; Recording Date: October 13, 1964; Recording No: in Volume 70, Page 627, Deed Records, Rockwall County, Texas. -TOO VAGUE TO LOCATE-

10. f. Easement(s) and rights incidental thereto, as granted in a document: Granted to: City of Rockwall; Purpose: As provided in said document; Recording Date: November 16, 1964; Recording No: in Volume 71, Page 140, Deed Records, Rockwall County, Texas -TOO VAGUE TO LOCATE-

10. g. Easement(s) and rights incidental thereto, as granted in a document: Granted to: Blackland Water Supply Corporation; Purpose: As provided in said document; Recording Date: May 20, 1966; Recording No: in Volume 75, Page 592, Deed Records, Rockwall County, Texas -PROPERTY SUBJECT TO, BLANKET EASEMENT-

10. h. Easement(s) and rights incidental thereto, as granted in a document: Granted to: Blackland Water Supply Corporation; Purpose: As provided in said document; Recording Date: November 23, 1966; Recording No: in Volume 77, Page 474, Deed Records, Rockwall County, Texas -PROPERTY NOT SUBJECT TO-

10. i. Easement(s) and rights incidental thereto, as granted in a document: Granted to: Southwestern Bell Telephone Bell Company; Purpose: As provided in said document; Recording Date: November 21, 1973; Recording No: in Volume 111, Page 476, Deed Records, Rockwall County, Texas -AFFECTS AS SHOWN HEREON-

10. j. Easement(s) and rights incidental thereto, as granted in a document: Granted to: Southwestern Bell Telephone Company; Purpose: As provided in said document; Recording Date: April 11, 1973; Recording No: in Volume 107, Page 820, Deed Records, Rockwall County, Texas -AFFECTS AS SHOWN HEREON-

SURVEYOR'S CERTIFICATE

To ADD Real Estate, Ltd., a Texas limited partnership, Sellers, Conselman Equities, LLC, buyers and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 13, 16, 17, and 18 of Table A thereof. The field work was completed on September 27, 2023.

Date of Plat or Map: October 2, 2023

BY: Tina J. Ballard
TINA BALLARD
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6746

STATE OF TEXAS
REGISTERED
TINA BALLARD
6746
PROFESSIONAL
LAND SURVEYOR

FLOOD STATEMENT

The property is shown as being located in Zone X and Zone A, by Flood Insurance Rate Map No. 48397C0045L, dated 9/26/2008. It is shown as being located in a special flood hazard area inundated by 100-Year flood.

0 60 120 180

ALTA/NSPS LAND TITLE SURVEY

6.68 ACRES
DAVID HARR SURVEY, A-102
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

1775 AIRPORT ROAD
ROCKWALL, TEXAS

DATE:	10/02/2023
SCALE:	1" = 60'
JOB NO.:	2023-1370
CLIENT:	FIDELITY NATIONAL TITLE
TECHNICIAN:	AMN

BY-LINE SURVEYING LLC
P.O. Box 834
Emory, Tx 75440
Ph: (903) 473-5150
Firm No: 10194233
www.bylinesurveying.com

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01 CENTRAL DISTRICT

DISTRICT DESCRIPTION

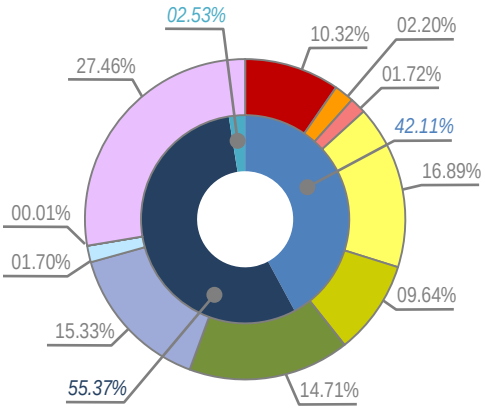
The *Central District* is composed of a wide range of land uses that vary from single-family to industrial. The district's residential areas consist of suburban residential (*e.g. Park Place*), estate and rural residential (*e.g. Rolling Meadows Subdivision*), and higher density residential developments (*e.g. Evergreen Senior Living*). The *Central District* also incorporates a high volume of industrial land uses adjacent to the *Union Pacific/Dallas Garland and Northeastern Rail Road* line that bisects the district -- *and City* -- in an east/west direction. The Ralph Hall Municipal Airport and several other large public/school facilities are also located within the boundaries of this district.

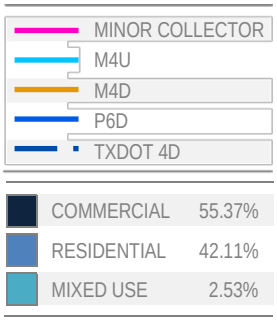
John King Boulevard Trail Plan
Rest Stop/Trailblazer Pylon

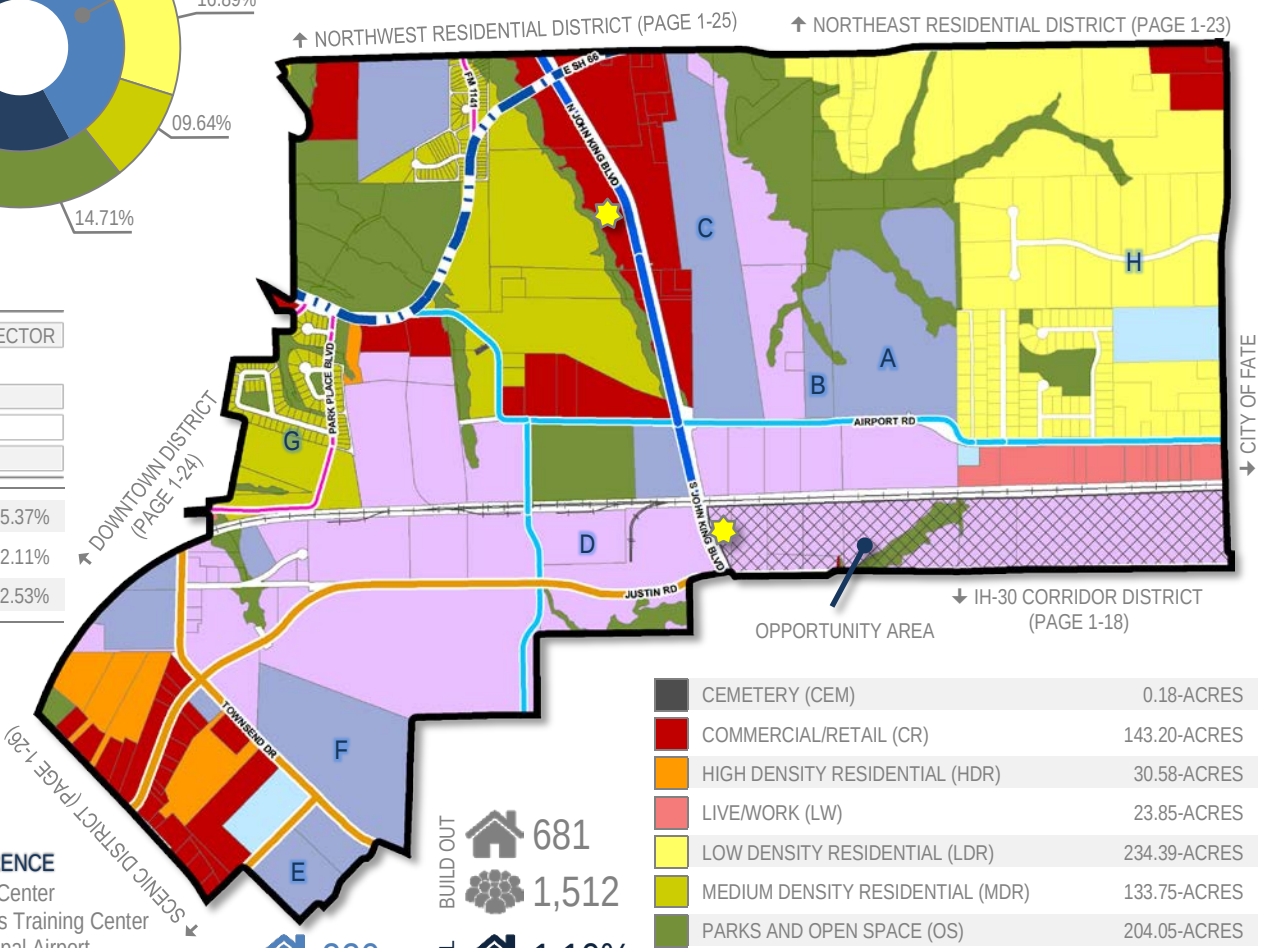
DISTRICT STRATEGIES

The *Central District* still has some key vacant and underutilized tracts of land that are anticipated to shape the area moving forward. Taking these areas into consideration the following are the strategies for this district:

1. *Live/Work*. The live/work designation in this district is intended to provide flexibility for land owners, adjacent to the railroad tracks, to transition their properties -- *when appropriate* -- to low intensity office/retail land uses that are similar in scale and scope to the adjacent residential properties.
2. *Suburban Residential*. While many of the larger tracts in this area are not large enough to support a master planned community (*which is characteristic of Northern Estates and Northwest Residential Districts*), any new *Suburban Residential* developments should include a mix of larger to mid-sized lots. Lots in these developments should *not* be smaller than existing *Suburban Residential* lots in this district, but should be comparable in size to newer developments (*i.e. Ridgecrest Subdivision*). In addition, newer subdivisions adjacent to existing larger lot subdivisions should provide a transition *(e.g. larger lots or a large landscape buffer*) adjacent to the existing subdivision.
3. *Commercial/Retail Centers*. The commercial/retail centers in this district are intended to support existing and proposed residential developments, and should be compatible in scale with adjacent residential structures (*i.e. are more characteristic of neighborhood/convenience centers*); however, areas adjacent to John King Boulevard should be capable of accommodating mid to large-scale commercial users. All commercial developments should incorporate appropriate screening (*e.g. berms, landscaping and large buffers*) to transition uses.
4. *Industrial/Special Commercial Corridor Opportunity Area*. The area south of the railroad tracks that is indicated by a crosshatched pattern represents an opportunity area in the City of Rockwall. Due to its adjacency to the railroad tracks, the land is naturally suitable for *Technology/Industrial* land uses; however, due to the land's adjacency to strategically located parcels along IH-30 the land could be utilized as part of a larger development in the *Special Commercial Corridor.*
5. *John King Boulevard Trail Plan*. A ten (10) foot hike/bike trail should be incorporated along John King Boulevard with rest stops and signage as indicated in *Appendix 'B'* of this Comprehensive Plan.







POINTS OF REFERENCE

A. Animal Adoption Center
B. Regional Firearms Training Center
C. Ralph Hall Municipal Airport
D. Leon Tuttle Athletic Complex
E. Rockwall County Courthouse
F. Utley Middle School
G. Park Place Subdivision
H. Rolling Meadows Subdivision

	CURRENT	BUILD OUT	% OF ROCKWALL
	220	681	1.10%
	71	1,512	3.91%
	488		0.82%

CEMETERY (CEM)	0.18-ACRES
COMMERCIAL/RETAIL (CR)	143.20-ACRES
HIGH DENSITY RESIDENTIAL (HDR)	30.58-ACRES
LIVE/WORK (LW)	23.85-ACRES
LOW DENSITY RESIDENTIAL (LDR)	234.39-ACRES
MEDIUM DENSITY RESIDENTIAL (MDR)	133.75-ACRES
PARKS AND OPEN SPACE (OS)	204.05-ACRES
PUBLIC (P)	212.77-ACRES
QUASI-PUBLIC (QP)	23.65-ACRES
SPECIAL COMMERCIAL CORRIDOR (SC)	0.08-ACRES
TECHNOLOGY/EMPLOYMENT CENTER (TEC)	381.07-ACRES

LEGEND:

	Land Use *NOT* Permitted
P	Land Use Permitted *By-Right*
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 LIGHT INDUSTRIAL (LI) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	LIGHT INDUSTRIAL (LI) DISTRICT
AGRICULTURAL AND ANIMAL RELATED LAND USES	2.02(A)	2.03(A)	
Agricultural Uses on Unplatted Land	(1)		P
Animal Boarding/Kennel without Outside Pens	(2)	(2)	P
Animal Clinic for Small Animals without Outdoor Pens	(3)	(3)	P
Animal Hospital or Clinic	(4)		P
Animal Shelter or Loafing Shed	(6)		P
Community Garden	(11)	(7)	S
Urban Farm	(12)	(8)	S
RESIDENTIAL AND LODGING LAND USES	2.02(B)	2.03(B)	
Caretakers Quarters/Domestic or Security Unit	(3)		P
Commercial Parking Garage	(6)		A
Limited-Service Hotel	(10)		S
Full-Service Hotel	(11)	(8)	S
Residence Hotel	(12)		S
Motel	(13)		S
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES	2.02(C)	2.03(C)	
Assisted Living Facility	(1)	(1)	S
Blood Plasma Donor Center	(2)		P
Cemetery/Mausoleum	(3)		P
Church/House of Worship	(4)	(2)	S
College, University, or Seminary	(5)		P
Convalescent Care Facility/Nursing Home	(6)		S
Congregate Care Facility/Elderly Housing	(7)	(3)	S
Crematorium	(8)		S
Daycare with Seven (7) or More Children	(9)	(4)	S
Emergency Ground Ambulance Services	(10)		P
Government Facility	(12)		P
Hospice	(14)		S
Hospital	(15)		P
Public Library, Art Gallery or Museum	(16)		P
Mortuary or Funeral Chapel	(17)		P
Local Post Office	(18)		P
Regional Post Office	(19)		P
Prison/Custodial Institution	(20)		P
Public or Private Primary School	(21)	(7)	P
Public or Private Secondary School	(22)	(8)	P
Rescue Mission or Shelter for the Homeless	(24)		P
Social Service Provider (Except Rescue Mission or Homeless Shelter)	(25)		P
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)	
Financial Institution with Drive-Through	(1)	(1)	P

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PERMITTED LAND USES IN AN LIGHT INDUSTRIAL (LI) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	LIGHT INDUSTRIAL (LI) DISTRICT
Financial Institution without Drive-Through	(1)		P
Office Building less than 5,000 SF	(2)		P
Office Building 5,000 SF or Greater	(2)		P
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES	2.02(E)	2.03(E)	
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)	P
Indoor Commercial Amusement/Recreation	(2)	(2)	P
Outdoor Commercial Amusement/Recreation	(3)	(3)	S
Public or Private Community or Recreation Club as an Accessory Use	(4)		P
Private Country Club	(5)		P
Golf Driving Range	(6)		P
Temporary Fundraising Events by Non-Profit	(7)	(4)	P
Indoor Gun Club with Skeet or Target Range	(8)	(5)	P
Health Club or Gym	(9)		P
Private Club, Lodge or Fraternal Organization	(10)	(6)	P
Private Sports Arena, Stadium, and/or Track	(11)		P
Public Park or Playground	(12)		P
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)	S
Tennis Courts (*i.e. Not Accessory to a Public or Private Country Club*)	(14)		P
Theater	(15)		P
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)	
Portable Beverage Service Facility	(4)	(1)	S
Brew Pub	(5)		P
Business School	(6)		P
Catering Service	(7)		P
Temporary Christmas Tree Sales Lot and/or Similar Uses	(8)	(2)	P
Copy Center	(9)		P
Craft/Micro Brewery, Distillery and/or Winery	(10)	(3)	P
Incidental Display	(11)	(4)	P
Food Trucks/Trailers	(12)	(5)	P
Garden Supply/Plant Nursery	(13)		P
General Personal Service	(14)	(6)	S
General Retail Store	(15)		S
Hair Salon and/or Manicurist	(16)		S
Laundromat with Dropoff/Pickup Services	(17)		P
Self Service Laundromat	(18)		P
Private Museum or Art Gallery	(20)		P
Night Club, Discotheque, or Dance Hall	(21)		S
Pawn Shop	(22)		P
Permanent Cosmetics	(23)	(7)	A

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PERMITTED LAND USES IN AN LIGHT INDUSTRIAL (LI) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	LIGHT INDUSTRIAL (LI) DISTRICT
Temporary Real Estate Sales Office	(25)		P
Rental Store without Outside Storage and/or Display	(26)	(8)	P
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(27)	(9)	S
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(28)		P
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(27)	(10)	P
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(28)		P
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (*i.e. a Maximum of Four [4] Vehicles*)	(29)		P
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(29)		P
Secondhand Dealer	(30)		P
Art, Photography, or Music Studio	(31)		P
Taxidermist Shop	(34)		P
COMMERCIAL AND BUSINESS SERVICES LAND USES	2.02(G)	2.03(G)	
Bail Bond Service	(1)		P
Building and Landscape Material with Outside Storage	(2)	(1)	P
Building and Landscape Material with Limited Outside Storage	(2)	(2)	P
Building Maintenance, Service, and Sales with Outside Storage	(3)	(3)	P
Building Maintenance, Service, and Sales without Outside Storage	(3)		P
Commercial Cleaners	(4)		P
Custom and Craft Work	(5)		P
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)		P
Feed Store or Ranch Supply	(7)		S
Furniture Upholstery/Refinishing and Resale	(8)	(4)	P
Gunsmith Repair and Sales	(9)		P
Rental, Sales and Service of Heavy Machinery and Equipment	(10)	(5)	S
Locksmith	(11)		P
Machine Shop	(12)		P
Medical or Scientific Research Lab	(13)		P
Research and Technology or Light Assembly	(15)		P
Trade School	(17)		P
Temporary On-Site Construction Office	(18)	(6)	P
AUTO AND MARINE RELATED LAND USES	2.02(H)	2.03(H)	
Major Auto Repair Garage	(1)	(1)	S
Minor Auto repair garage	(2)	(2)	S
Automobile Rental	(3)		S
New or Used Boat and Trailer Dealership	(4)	(3)	S
Full Service Car Wash and Auto Detail	(5)	(4)	P
Self Service Car Wash	(5)	(4)	P
New and/or Used Indoor Motor Vehicle Dealership/Showroom	(6)	(5)	S
New Motor Vehicle Dealership-for Cars and Light Trucks	(7)	(6)	S

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PERMITTED LAND USES IN AN LIGHT INDUSTRIAL (LI) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	LIGHT INDUSTRIAL (LI) DISTRICT
Used Motor Vehicle Dealership for Cars and Light Trucks~~)~~	(7)	(7)	A
Commercial Parking	(8)		P
Non-Commercial Parking Lot	(9)		P
Recreational Vehicle (RV) Sales and Service	(10)		S
Service Station	(11)	(8)	P
Towing and Impound Yard	(12)	(9)	S
Towing Service without Storage	(13)	(10)	P
Truck Rental	(14)		S
Truck Stop with Gasoline Sales and Accessory Services	(15)	(11)	S
INDUSTRIAL AND MANUFACTURING LAND USES	2.02(I)	2.03(I)	
Asphalt or Concrete Batch Plant	(1)	(1)	S
Temporary Asphalt or Concrete Batch Plant	(2)	(2)	P
Bottle Works for Milk or Soft Drinks	(3)		P
Brewery or Distillery	(4)	(3)	P
Carpet and Rug Cleaning	(5)		P
Environmentally Hazardous Materials	(6)	(4)	S
Food Processing with No Animal Slaughtering	(7)		P
Light Assembly and Fabrication	(8)		P
Heavy Manufacturing	(9)		S
Light Manufacturing	(10)		P
Metal Plating or Electroplating	(11)		S
Mining and Extraction of ~~(~~Sand, Gravel, Oil and/or Other Materials~~)~~	(12)	(5)	S
Printing and Publishing	(13)		P
Salvage or Reclamation of Products Indoors	(14)		P
Salvage or Reclamation of Products Outdoors	(15)		S
Sheet Metal Shop	(16)		P
Tool, Dye, Gauge and/or Machine Shop	(17)		P
Welding Repair	(18)		P
Winery	(19)	(6)	P
WHOLESALE, DISTRIBUTION AND STORAGE LAND USES	2.02(J)	2.03(J)	
Cold Storage Plant	(1)		P
Heavy Construction/Trade Yard	(2)		P
Mini-Warehouse	(4)	(1)	P
Outside Storage and/or Outside Display	(5)	(2)	P
Recycling Collection Center	(6)		P
Warehouse/Distribution Center	(7)		P
Wholesale Showroom Facility	(8)		P
UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES	2.02(K)	2.03(K)	
Airport, Heliport or Landing Field	(1)		S
Antenna~~,~~ as an Accessory	(2)	(1)	P

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PERMITTED LAND USES IN AN LIGHT INDUSTRIAL (LI) DISTRICT

LAND USE SCHEDULE	LAND USE DEFINITION REFERENCE [Reference Article 13, *Definitions*]	CONDITIONAL USE REFERENCE Reference [Article 04, *Permissible Uses*]	LIGHT INDUSTRIAL (LI) DISTRICT
Commercial Antenna	(3)	(2)	S
Antenna~~,~~ for an Amateur Radio	(4)	(3)	A
Antenna Dish	(5)	(4)	A
Commercial Freestanding Antenna	(6)	(5)	P
Mounted Commercial Antenna	(7)	(6)	P
Bus Charter Service and Service Facility	(8)		P
Helipad	(9)		S
Utilities (*Non-Municipally Owned or Controlled*), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	(10)		S
Municipally Owned or Controlled Facilities, Utilities and Uses	(11)		P
Private Streets	(12)		S
Radio Broadcasting	(13)		P
Railroad Yard or Shop	(14)		S
Recording Studio	(15)		P
Satellite Dish	(16)		A
Solar Energy Collector Panels and Systems	(17)	(7)	A
Transit Passenger Facility	(18)		S
Trucking Company	(19)		P
TV Broadcasting and Other Communication Service	(20)		P
Utilities Holding a Franchise from the City of Rockwall	(21)		P
Utility Installation Other than Listed	(22)		S
Utility/Transmission Lines	(23)		S
Wireless Communication Tower	(24)		S

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 AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.60-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 21 & 21-01 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBITS 'A' & '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 Jeff Carroll of Carroll Architects on behalf of Frank Conselman of Conselman Equities for the approval of a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District on a 6.60-acre tract of land identified as Tracts 21 & 21-01 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, and more fully described and depicted in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

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

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated in Section 01.01*, Use of Land and Buildings,* of Article 04*, Permissible Uses*, and Section 05.01*, General Industrial District Standards*; Section 05.02, *Light Industrial (LI) District*; Section 06.15, *Airport Overlay (AP OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

DRAFT 10.12.23

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 4th DAY OF DECEMBER, 2023.

_____
Trace Johannessen, *Mayor*

ATTEST:

_____
Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

_____
Frank J. Garza, *City Attorney*

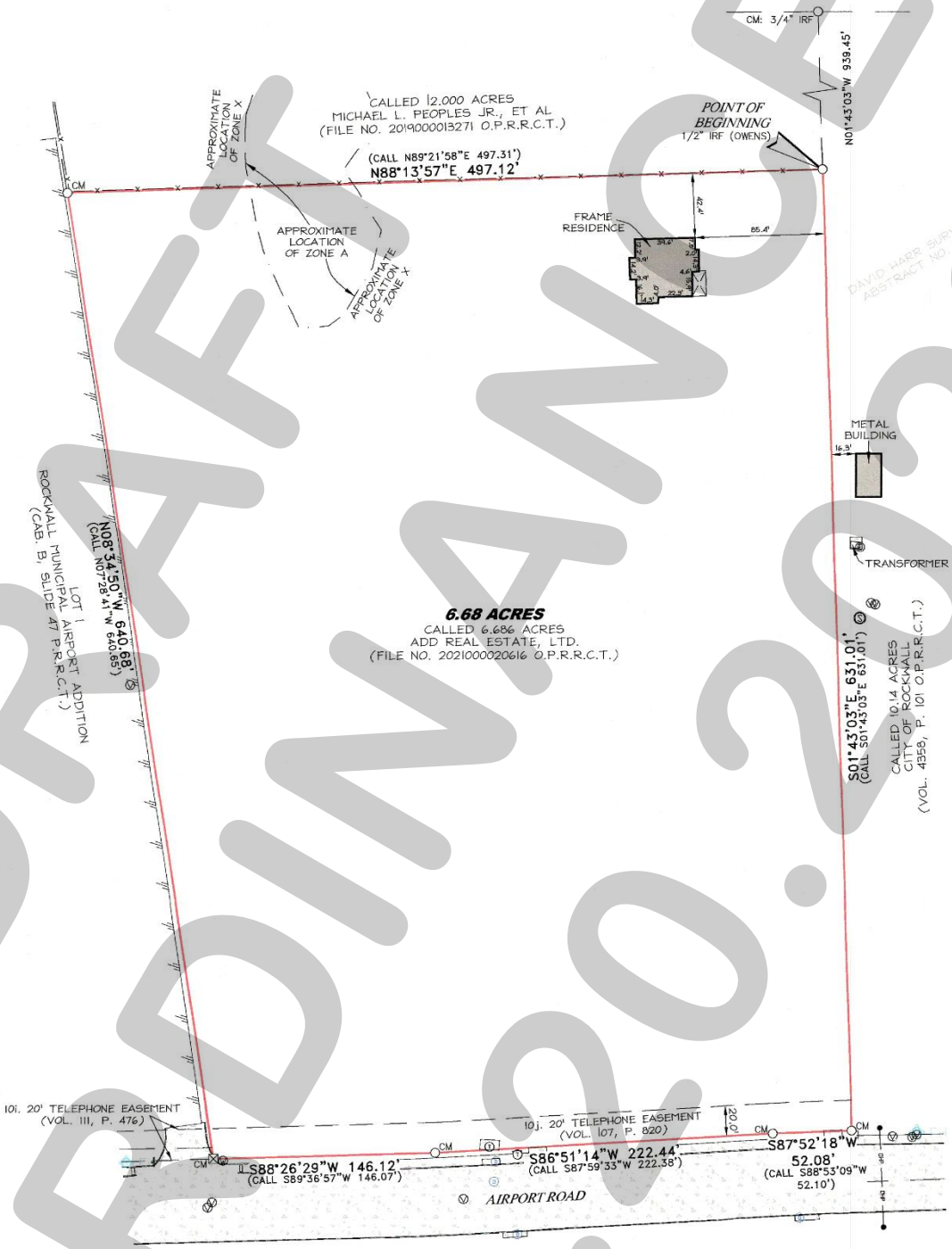
1st Reading: *November 20, 2023*

2nd Reading: *December 4, 2023*

DRAFT ORDINANCE 11.20.2023

Exhibit 'A'
Zoning Exhibit

Legal Description: Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102



DRAFT ORDINANCE 11.20.2023

CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

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

TO:	Mayor and City Council
CC:	Mary Smith, *City Manager* Joey Boyd, *Assistant City Manager*
FROM:	Ryan Miller, *Director of Planning and Zoning*
DATE:	November 20, 2023
SUBJECT:	Facilities Agreement for Drainage and Public Park Improvements Adjacent to Pecan Valley Drive

On March 6, 2023, the City Council approved *Ordinance No. 23-08* [*Case No. Z2022-059*] allowing a Specific Use Permit (SUP) [*S-293*] for a *Restaurant with 2,000 SF or More, with a Drive-Through or Drive-In* on a 0.579-acre parcel of land located at the northwest corner of N. Goliad Street [*SH-205*] and Pecan Valley Drive. This property is zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses. As part of the Specific Use Permit (SUP), the applicant submitted a concept plan showing the proposed layout of the subject property (*see Figure 1*) and the conceptual building elevations (*see Figure 2*). The applicant has not submitted a site plan for the proposed project.

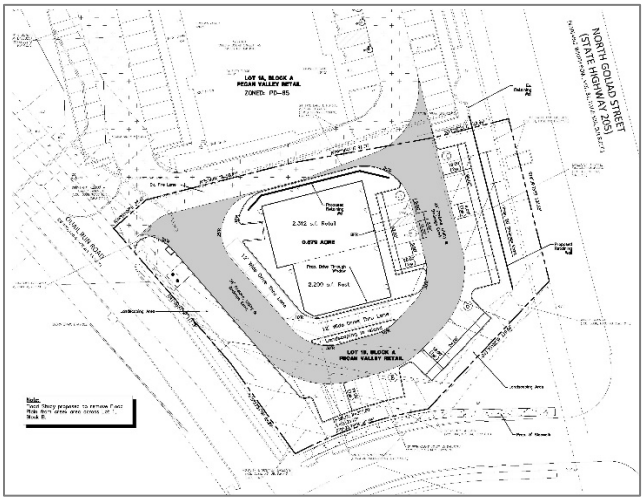


FIGURE 1. CONCEPT PLAN FOR SUP



FIGURE 2. CONCEPTUAL BUILDING ELEVATIONS FOR SUP

In June 2023, the applicant requested a meeting with the Director of Planning and Zoning, the City Engineer, and the Director of Parks and Recreation to discuss possible alternatives to the stormwater detention requirements, and to gain a better understanding of what the City had planned for the vacant tract of land directly west of the subject property (*see Figure 3*). This property was dedicated to the City in December 2019, and has remained vacant since dedication. Currently existing on the subject property is a detention/retention pond that was constructed by the previous owner (*i.e. Arkoma Development, LLC*) to detain the stormwater run-off from 3005 & 3009 N. Goliad Street [*SH-205*].

Based on the meeting between staff and the applicant, the applicant has chosen to propose a *Facilities Agreement* that



FIGURE 3. LOCATION MAP
❶ SUBJECT PROPERTY; ❷ CITY'S RETENTION POND

would allow for the expansion of the existing detention/retention pond on the City's property (*see Figures 4 & 5*). In exchange for allowing the expansion of the detention/retention pond, the applicant is proposing to make the following improvements to the City's property: [*1*] the applicant will construct 530-linear feet of five (5) foot concrete sidewalk with a 15-foot diameter turn around adjacent to a portion of the expanded detention/retention pond, [*2*] the applicant will install two (2) benches and three (3) trash cans on the City's property (*specifications to be approved by the Director of Parks and Recreation*), [*3*] the applicant will construct a steel-reinforced concrete parking lot with a minimum of six (6) parking spaces (*i.e. five [5] parking spaces and one [1] handicapped parking space*) at the terminus of Pecan Valley Drive, and [*4*] the applicant will plant a minimum of 40, four (4) inch caliper canopy trees on the City's property.

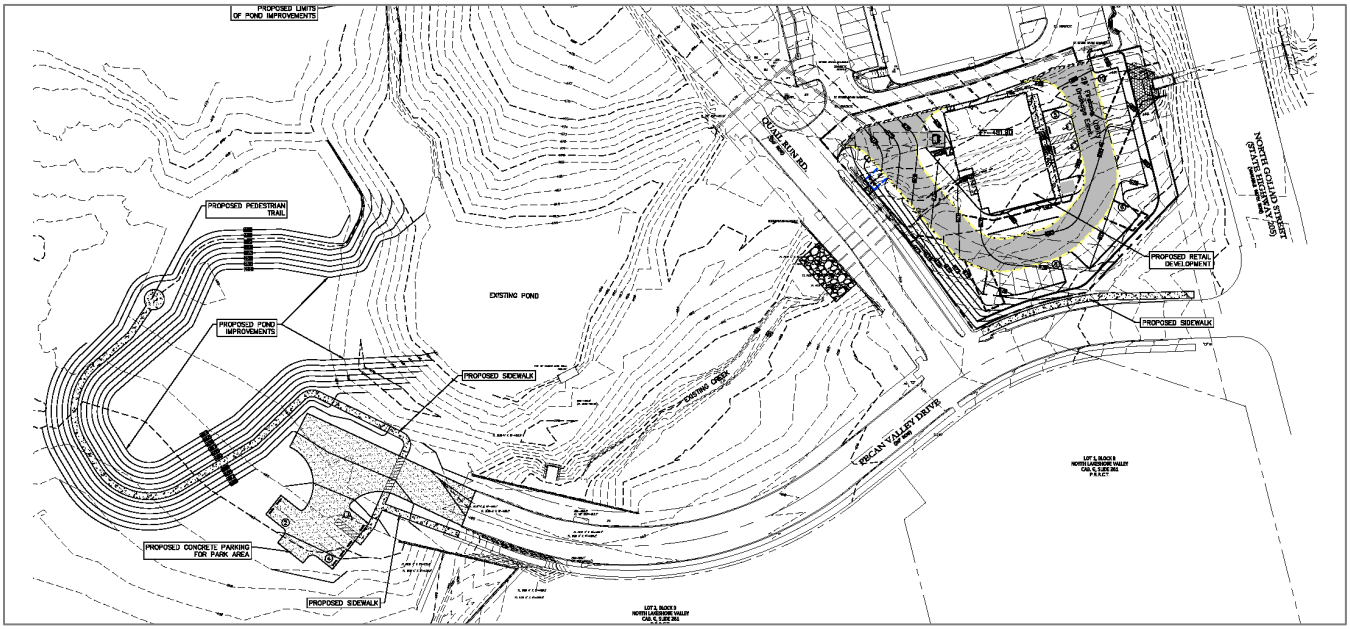


FIGURE 4. PROPOSED INFRASTRUCTURE PLAN

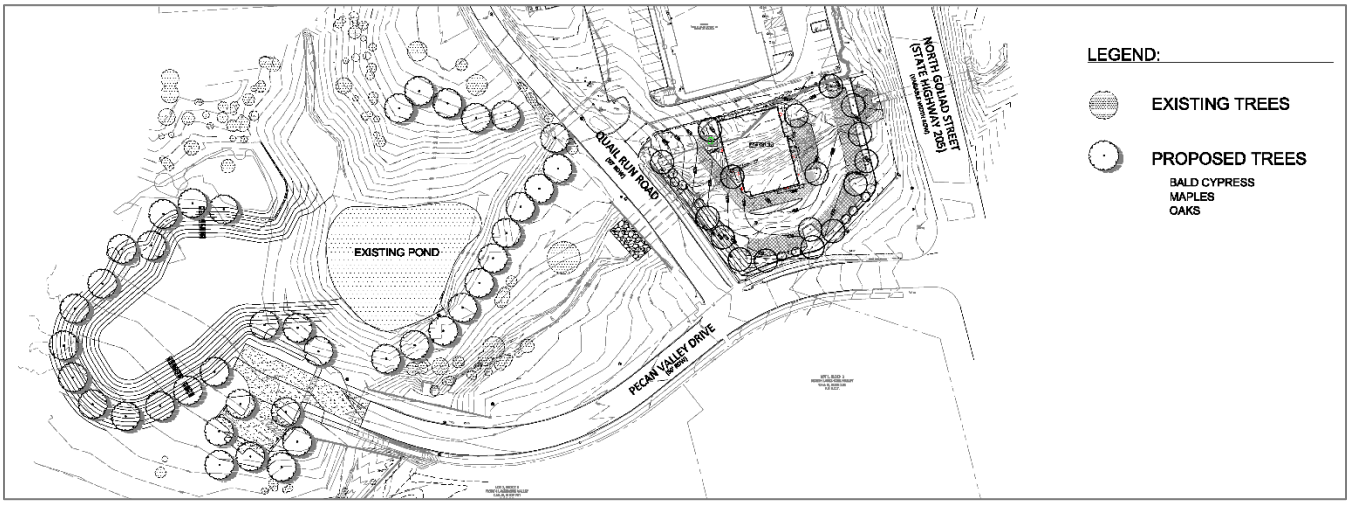


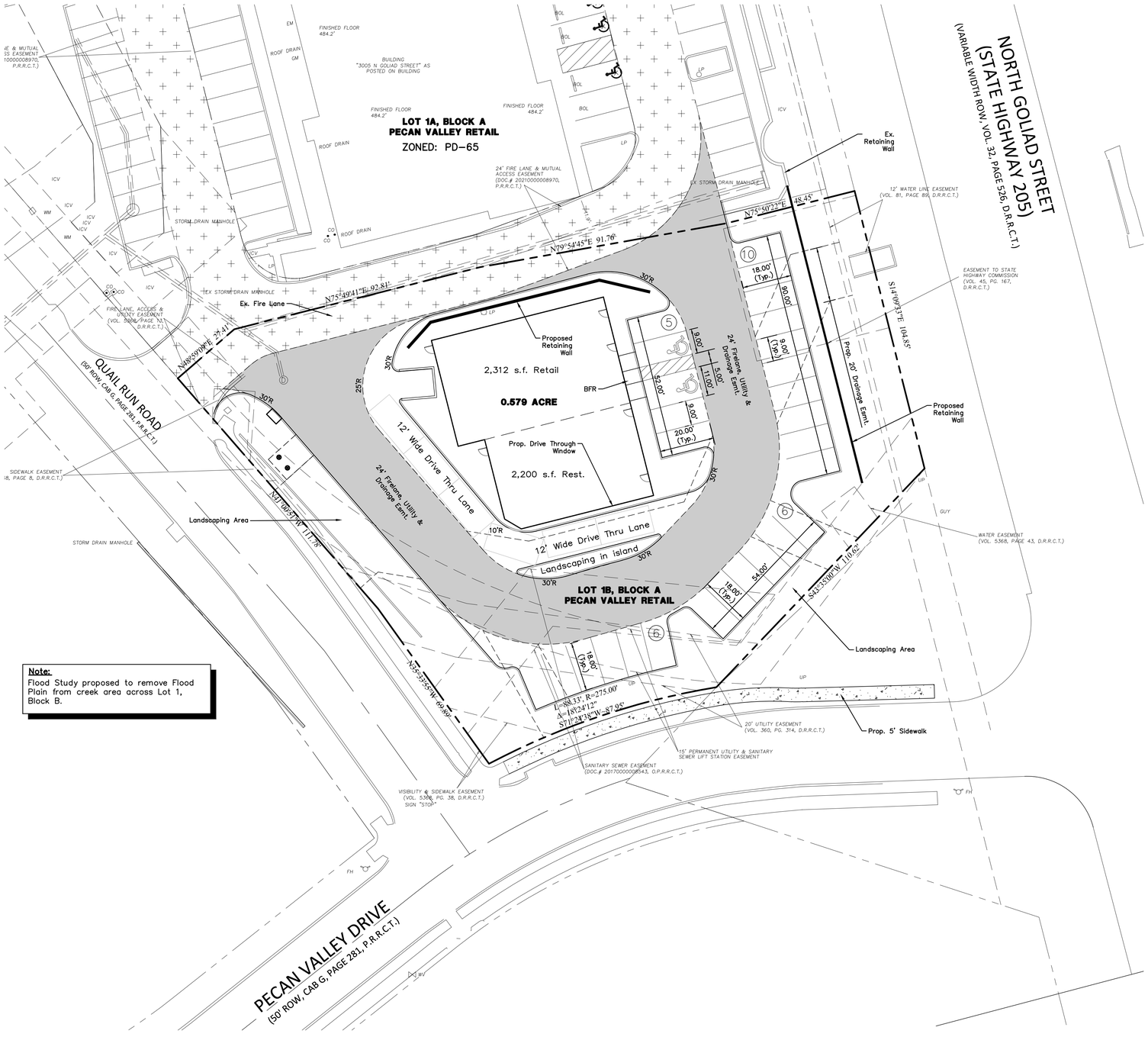
FIGURE 5. PROPOSED LANDSCAPE PLAN

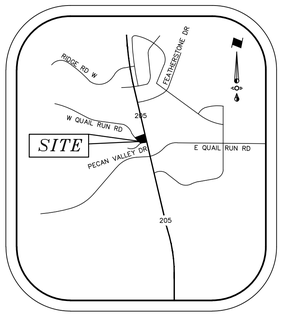
In the attached packet staff has provided full sized copies of the approved concept plan and conceptual building elevations from the Specific Use Permit (SUP), and the proposed infrastructure plan and landscape plan for the facilities agreement. Staff has also included a copy of the proposed *Facilities Agreement -- as prepared by the City Attorney* -- in the attached packet for the City Council's review. This *Facilities Agreement* is a discretionary decision for the City Council. Should the City Council have any questions, staff and the applicant will be available at the *November 20, 2023* City Council meeting.



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.





VICINITY MAP
NTS

0 40 100
GRAPHIC SCALE
1"=40'

LEGEND

- Proposed Firelane
- Proposed Sidewalk
- Ex. Firelane
- Proposed Retaining Wall
- Proposed Wheel Stop Typical
- Existing Fire Hydrant
- Proposed Fire Hydrant
- BFR Barrier Free Ramp

SYNOPSIS

Zoning:	PD-65 w/ N. SH 205 Overlay
Proposed Use:	Retail/Restaurant
Lot Area:	0.7621 Acres (33,198 sf)
Building Areas:	Building 4,512 sf
Lot Coverage:	13.59% (Total Bldg Area 4,512 sf)
Floor Area Ratio:	0.14 : 1
Building Height:	25'
Required Parking:	Retail 1:250 (2,312/250) = 9 Spcs. Restaurant 1:100 (2200/100) = 22 Spcs

Parking Required Total:	31 Parking Spaces
Parking Provided Total:	27 Parking Spaces (2 HC)

Note: 4 Parking Spaces to be provided by Lot 1A, Block A, via a shared parking agreement, to be effective after plat has been recorded.

Note:
Proposed grades on site at location of parking stalls, facing the adjacent streets, will be on average 2-3 feet below the adjacent streets, except at the intersection of Pecan Valley and Quail Run. The areas that are lower will provide evergreen shrubs for screening headlights, with no berm needed. Where the parking is level with the adjacent grades, excess fill material to create a berm is not allowed by Engineering, due to the depth of the existing sanitary sewer. Evergreen shrubs will be planted as high as allowed, and planted as densely as feasible for proper growth.

ENGINEER:
Cross Engineering Consultants, Inc.
1720 W. Virginia Street
McKinney, Texas 75069
Phone (972) 562-4409
Fax (972) 562-4471
Contact: Jon David Cross, P.E.

ARCHITECT:
Matt King Architect
4308 Cherry Lane
Melissa, Tx 75454
Phone (469) 742-0678
Contact: Matt King

SURVEYOR:
Barton Chapa Surveying
5200 SH 121
Colleyville, TX. 76034
Phone (817) 864-1957
Contact: Jack Barton

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

CASE NO. Z2022-059

Issue Dates:	Revision & Date:
1	1
2	2
3	3
4	4
5	5
6	6

CROSS ENGINEERING CONSULTANTS
1720 W. Virginia Street McKinney, Texas 75069
972.562.4409 Texas P.E. Firm No. F-5935

Drawn By:	Checked By:	Scale:
C.E.C.I.	C.E.C.I.	1"=40'

SUP SITE PLAN

SMOOTHIE KING ROCKWALL
DA Goliad Partners, LP
CITY OF ROCKWALL, TEXAS

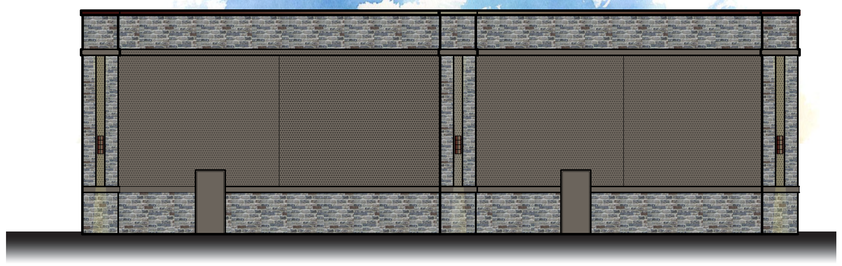
Sheet No.
SUP

Project No.
20089

SMOOTHIE KING ROCKWALL



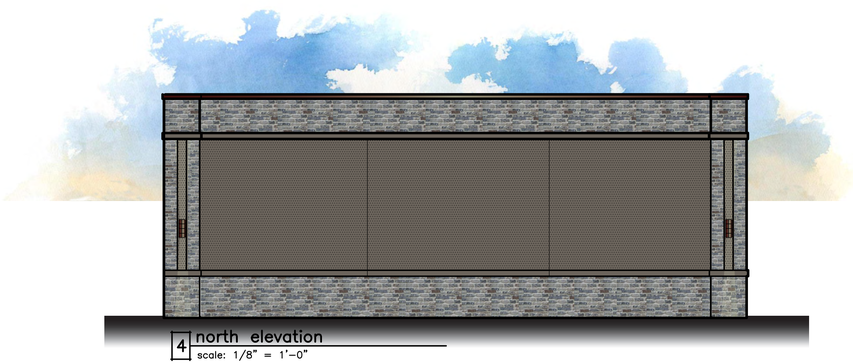
1 east elevation
scale: 3/16" = 1'-0"



2 west elevation
scale: 1/8" = 1'-0"



2 south elevation
scale: 1/8" = 1'-0"



4 north elevation
scale: 1/8" = 1'-0"

EXTERIOR MATERIALS:
1. STOREFRONT, AWNINGS & ROOFING: DARK BRONZE ANODIZED ALUMINUM.
2. THREE STEP STUCCO COLOR: SW 7047 PORPOISE
3. STONE: 1 1/2" THICK SILVER MIST LIMESTONE; RANDOM ASHLAR PATTERN. CALL CARTER LYON AT SPECIFIED PRODUCTS MITERED OUTSIDE CORNER RETURNS

SUBMIT SAMPLES TO OWNER TO CONFIRM

MKA
MATTHEW KING ARCHITECT
Architecture • Design • Planning
Phone: 469-742-0678
mattking@mkingarchitect.com
www.mkingarchitect.com

©Matthew King Architect

PRELIMINARY NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION. FOR INTERIM REVIEW ONLY.
MATTHEW P. KING
ARCHITECT
TX REGISTRATION
NO. 17957

9-15-22

DO NOT SCALE THESE PLANS

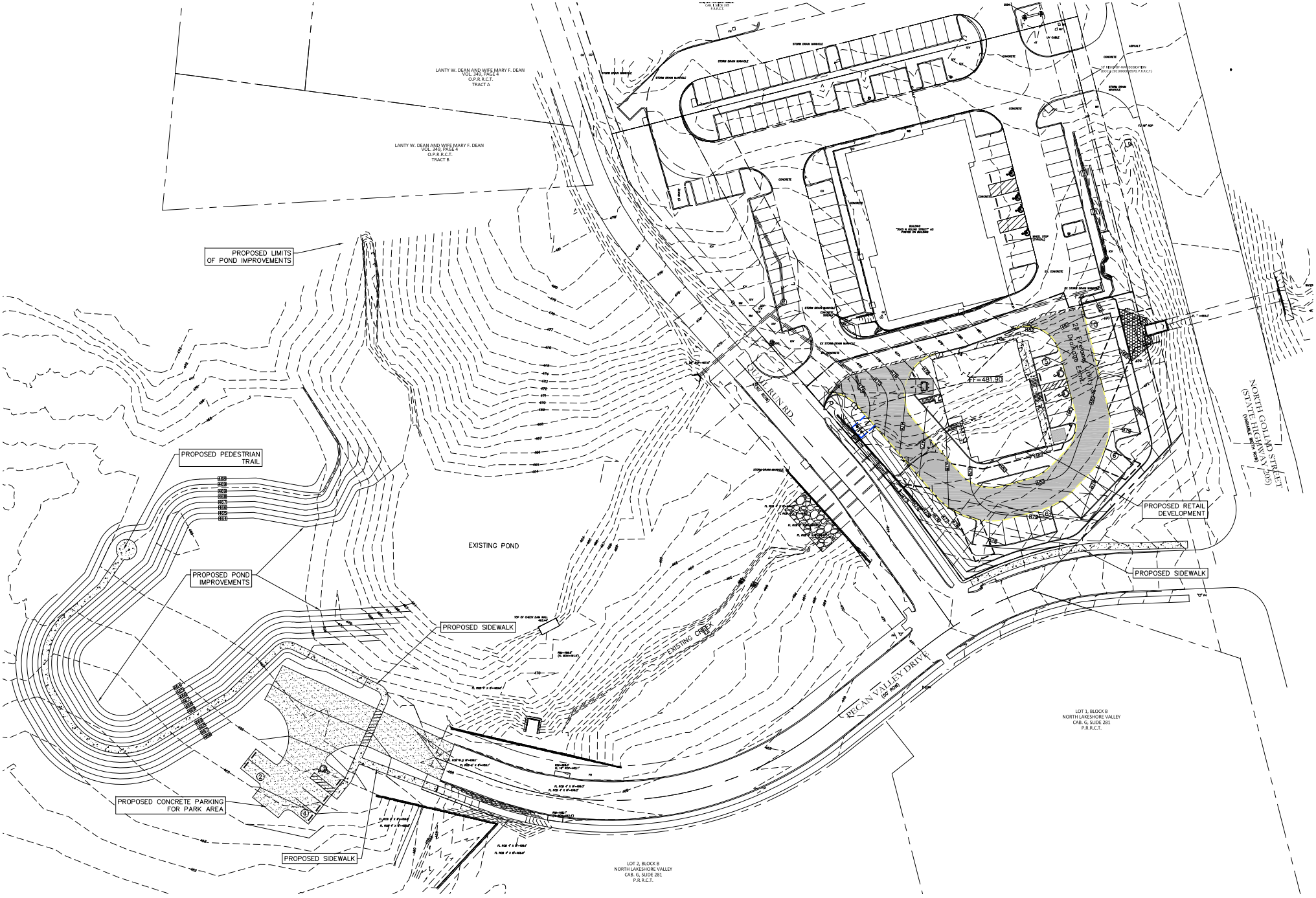
Owner:
DA 3009 Goliad Partners, LP
14114 Dallas Parkway #670
Dallas, Texas 75254

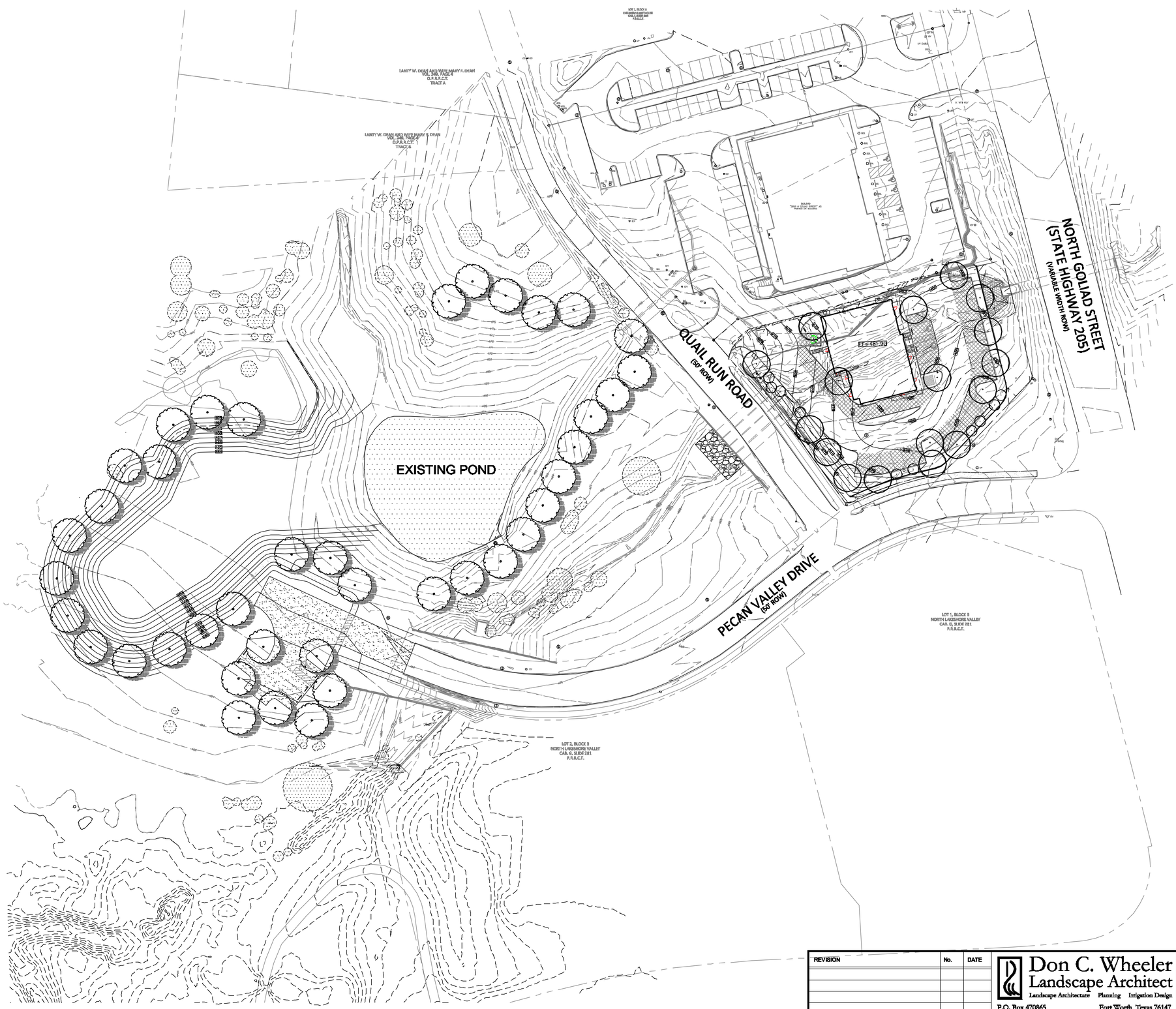
Project:
Shell Building
3005 N. Goliad
Rockwall, Texas 75087

Scale: as noted
Issue For:
submittal 9-15-22

Sheet Number:
A1

Exterior Elevations


LANTY W. DEAN AND WIFE MARY F. DEAN
VOL. 349, PAGE 4
O.P.R.R.C.T.
TRACT A
LANTY W. DEAN AND WIFE MARY F. DEAN
VOL. 349, PAGE 4
O.P.R.R.C.T.
TRACT B
PROPOSED LIMITS OF POND IMPROVEMENTS
PROPOSED PEDESTRIAN TRAIL
EXISTING POND
PROPOSED POND IMPROVEMENTS
PROPOSED SIDEWALK
PROPOSED CONCRETE PARKING FOR PARK AREA
PROPOSED SIDEWALK
CHAMBERS RUN RD.
(80' ROW)
EXISTING CREEK
PECAN VALLEY DRIVE
(80' ROW)
NORTH GOLIAD STREET
(STATE HIGHWAY 205)
(VARIABLE WIDTH ROW)
24" Flowline
Storage Elev.
FF = 481.90
PROPOSED RETAIL DEVELOPMENT
PROPOSED SIDEWALK
LOT 2, BLOCK B
NORTH LAKESHORE VALLEY
CAB. G, SLIDE 281
P.R.R.C.T.
LOT 1, BLOCK B
NORTH LAKESHORE VALLEY
CAB. G, SLIDE 281
P.R.R.C.T.



40 20 0 40

SCALE: 1"=40'

LEGEND:

EXISTING TREES

PROPOSED TREES

BALD CYPRESS
MAPLES
OAKS

REVISION	No.	DATE

Don C. Wheeler
Landscape Architect
Landscape Architecture Planning Irrigation Design
P.O. Box 470865 Fort Worth, Texas 76147
Office 817.335.1405 don@dcwla.com

PROJECT NO.	DATE:	
2K23-XX	09/08/23	

FOR REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND ARE NOT INTENDED FOR REGULATORY PERMITING, BIDDING, OR CONSTRUCTION PURPOSES.

DON C. WHEELER - TEXAS LANDSCAPE ARCHITECT # 767

DEVELOPMENT AGREEMENT EXHIBIT

SMOOTHIE KING ROCKWALL

DA Goliad Partners. L.P.

CITY OF ROCKWALL, TEXAS

Sheet No.

DAE

CITY OF ROCKWALL
FACILITIES AGREEMENT

This Facilities Improvement Agreement (this "Agreement") is entered into between the **City of Rockwall, Texas** a municipal corporation and political subdivision of the State of Texas (the "City") and **DA 3009 Goliad Partners, LP, a Texas Limited Partnership** (the "Property Owner").

WHEREAS, Property Owner and the City are sometimes collectively referenced in this Agreement as the "Parties," or, each individually, as "Party"; and

WHEREAS, Property Owner as part of its proposed development is required to detain stormwater run-off, and in order to meet the detention requirements of the Engineering Department's Standards of Design and Construction Manual is proposing to construct a retention/detention pond; however, the proposed retention/detention pond must encroach onto City owned property located at the terminus of Pecan Valley Drive (*i.e. Tract 5 of the S. King Survey, Abstract No. 131*), Rockwall, Texas; and

WHEREAS, City will allow for the retention/detention pond to be built onto City's property in exchange the Property Owner agrees to install landscaping and build a sidewalk, a parking lot, and to add some benches and trash cans along the sidewalk on the City's property (collectively known as the "Infrastructure Improvements") as depicted in *Exhibit 'A'* and *Exhibit 'B'* of this agreement; and

WHEREAS, the enhancements to be constructed will allow for the development of the City's Property for a new pond and establish a park/parking areas to be enjoyed by residents of Rockwall;

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

SECTION 1. RECITALS INCORPORATED

The recitals set forth above are incorporated herein as if set forth in full to further describe the Parties' intent under this Agreement and said recitals constitute representations by Property Owner and the City.

SECTION 2. PARTY OBLIGATIONS

(a) PROPERTY OWNER'S OBLIGATIONS.

(1) Property Owner is responsible for funding and constructing the Infrastructure Improvements in accordance with current City Code of Ordinances unless specifically excepted under this Agreement.

(2) Property Owner will design and construct a sidewalk in accordance with the Concept Plan, attached hereto as *Exhibit 'A'*, for a minimum length of five hundred and thirty feet (530') that will be five feet (5') wide and made of concrete. At the end of the sidewalk there will be installed a fifteen-foot (15') diameter turnaround at the end of the sidewalk.

(3) Property Owner will design and construct a steel-reinforced concrete parking lot in accordance with the Concept Plan, attached hereto as *Exhibit 'A'*, that will consist of a minimum of five (5) parking spaces, one (1) handicapped parking space, and a 15-foot by 24-foot turn around that is striped and signed as *No Parking* in accordance with the Engineering Department's *Standards of Design and Construction Manual*.

(4) Property Owner will install two (2) benches and three (3) trash cans onto the City Owned property. The benches and trash cans will be approved by the City prior to their installation and the location of the benches and trash

DRAFT AGREEMENT 10.20.23

cans must also be approved by the City, provided, however, such approval may not be unreasonably withheld, conditioned, or delayed.

(5) Property Owner will develop the City Property in accordance with the attached Concept Plan, attached hereto as *Exhibit 'A'*, and the Landscape Plan, attached hereto as *Exhibit 'B'* (collectively known as the "Plans").

(b) CITY OBLIGATIONS.

(1) City shall allow for the Infrastructure Improvements to be built onto City Property in accordance with the Plans.

(2) Upon completion of construction of the Infrastructure Improvements, the City shall inspect the work and perform such testing as may be reasonably necessary or appropriate to ensure suitability and compliance of the Infrastructure Improvements with the Plans. If such Infrastructure Improvements are substantially in accordance with the Plans, the City's approval and acceptance of the Infrastructure Improvements shall not be unreasonably withheld, conditioned, or delayed ("Final Approval"). The City agrees that Final Approval shall be evidenced by a letter of acceptance by City to Property Owner, the delivery of which shall be deemed to be City's acceptance of the Infrastructure Improvements.

(3) Upon issuance of a letter of acceptance by City to Property Owner, title to all Infrastructure Improvements shall be vested in the City, and the Property Owner hereby relinquishes any right, title or interest in and to such Infrastructure Improvements or any part thereof. The City and Property Owner agree that the final acceptance shall be in recordable form and may be recorded by the Property Owner. In addition, upon the request of either party, the City and the Property Owner shall execute and record in the Real Property Records of Rockwall County, as applicable, a release of the City and the Property Owner from their obligations set forth herein.

SECTION 3. VARIANCES

This Agreement does not authorize or grant any additional variance from the City Code of Ordinances. If a variance is requested by Property Owner, the City shall determine whether or not the variance is granted pursuant to its variance procedures, including requiring Board of Adjustment or City Council approval.

SECTION 4. EFFECTIVE DATE

The Effective Date of this Agreement is the date that the last of the Parties' signatures to this Agreement is fully and properly affixed to this Agreement. The Parties' obligations hereunder shall not arise unless and until the City Council has duly adopted this Agreement and Property Owner has duly executed same.

SECTION 5. ASSIGNMENT

Without limiting the generality of the foregoing, and except as otherwise provided in this paragraph, neither Party shall assign this Agreement, in whole or in part, and including any obligation, to any person or entity without the written permission of the other Party. Notwithstanding the foregoing, Property Owner may assign all or part of its rights and obligations under this Agreement to any entity affiliated with Property Owner by reason of controlling, being controlled by, or being under common control with Property Owner (each, an "Affiliate Assignee"). As used in this Section 5, "control", "controlling" or "controlled by" shall mean the possession, directly, of the power either to (a) vote fifty percent (50%) or more of the securities or interests having ordinary voting power for the election of directors (or other comparable controlling body) of the Property Owner, or (b) direct, or cause the direction of management or FACILITIES AGREEMENT Page | 3 CITY OF ROCKWALL policies of the Property Owner, whether through the ownership of voting securities or interests, by contract, or otherwise, excluding in each case, any lender of Property Owner or any affiliate of any such

lender. Each assignment shall be in writing executed by Property Owner and the Affiliate Assignee and shall obligate the Affiliate Assignee to be bound by this Agreement to the extent that this Agreement applies or relates to the obligations, rights, title or interests being assigned.

SECTION 6. MISCELLANEOUS PROVISIONS

(a) Authority to execute contract. 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, and each party hereby certifies to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

(b) Notice. All notices, demands or other communications required or provided hereunder shall be in writing and shall be deemed to have been given on the earlier to occur of actual receipt or three (3) days after the same are deposited in the United States mail, certified or registered, postage prepaid, return receipt requested, addressed to the parties at the addresses set forth below or at such other addresses as such parties may designate by written notice to the other parties in accordance with this notice provision.

If to the City: Mary Smith
City Manager
c/o Rockwall City Hall
385 S. Goliad Street
Rockwall, Texas 75087

If to Property Owner: DA 3009 Goliad Partners, LP
c/o JCD Holdings
ATTN: Chad Dubose
8350 N. Central Expressway, Suite 1300
Dallas, Texas 75206

(c) Governmental Entity. The Parties acknowledge that the City of Rockwall is a political subdivision of the State of Texas and under the Constitution and laws of the State of Texas, possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has such authority as is granted to it under the Constitution and the laws of the State of Texas. Notwithstanding any provision of this Agreement, nothing in this Agreement is intended to be, nor will it be construed to be, a waiver of the City's sovereign immunity of the State of Texas or a prospective waiver of restriction of any of the rights, remedies, claims and privilege of the State of Texas.

(d) Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of the Parties amending the terms of this Agreement.

(e) Applicable Law and Venue. This Agreement shall be performable and all compensation payable in Rockwall County, Texas. Venue and exclusive jurisdiction under this Agreement lies in a court of competent jurisdiction in Rockwall County, Texas.

(f) Severability. If any clause, paragraph, section or portion of this Agreement shall be found to be illegal, unlawful, unconstitutional or void for any reason, the balance of the Agreement shall remain in full force and effect and the parties shall be deemed to have contracted as if said clause, section, paragraph or portion had not been in the Agreement initially.

DRAFT AGREEMENT 1.1.2023

(g) Representation. Each signatory represents that this Agreement has been read by the party for which this Agreement is executed and that such Party has had an opportunity to confer with its counsel.

(h) Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

(i) Waiver. Waiver by either Party or any breach of this Agreement, or the failure of either Party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit or waive such Party's right thereafter to enforce and compel strict compliance of the Agreement.

(j) No Other Parties. This Agreement is exclusively between the City and Property Owner and is not intended to and shall not confer any rights or benefits on any third party not a signatory hereto.

(k) Binding Effect. This Agreement shall bind and inure to the benefit of the City and Property Owner and to any successor owner/developer of the property, may be recorded in the Rockwall County property records, and runs with the land.

(l) Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

CITY OF ROCKWALL

By: _____ _____
Mary Smith, City Manager Date

Attest: _____
Kristy Teague, City Secretary

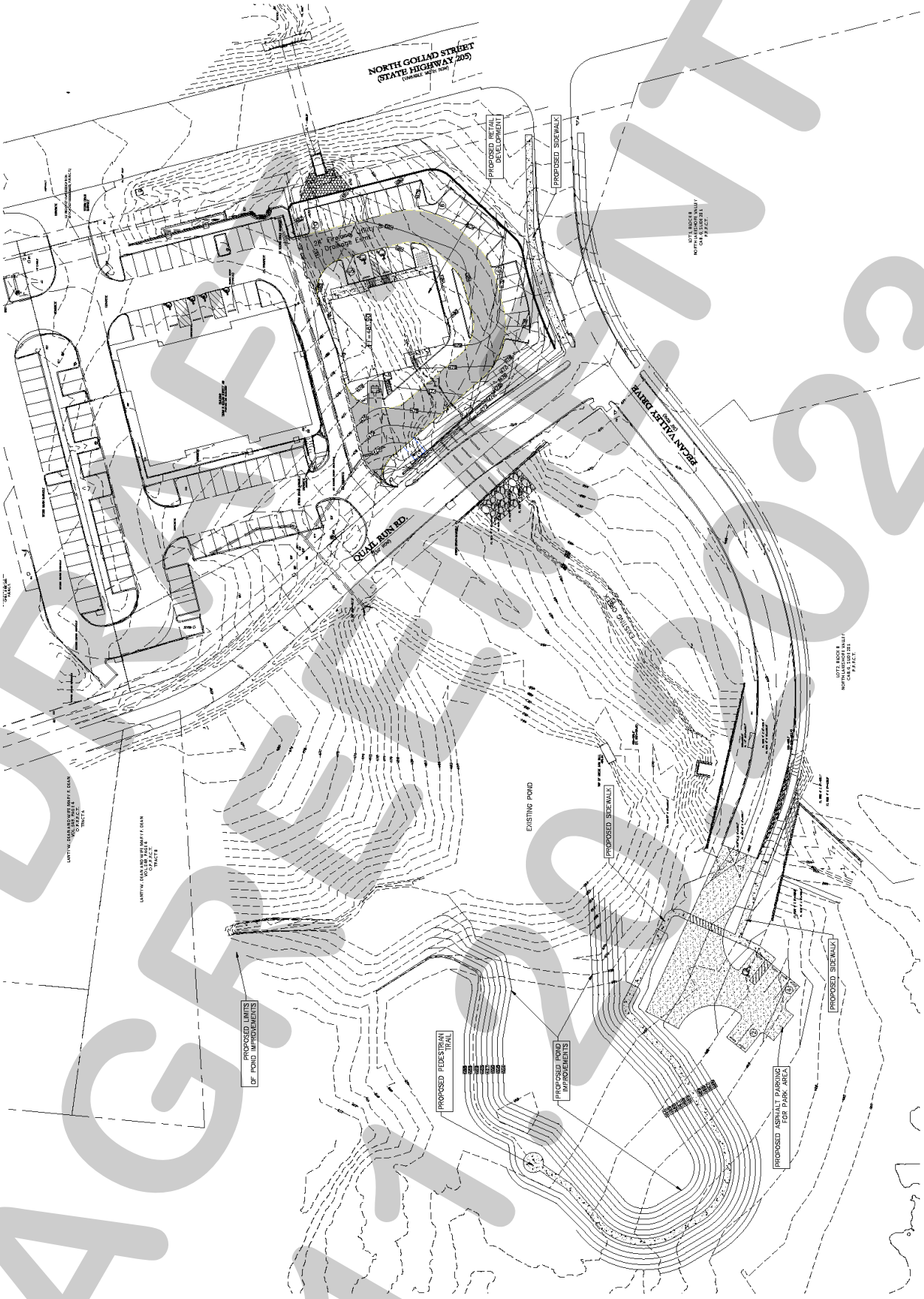
DA 3009 GOLIAD PARTNERS, LP, A TEXAS LIMITED PARTNERSHIP

BY: DA 3009 GOLIAD PARTNERS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

By: _____ _____
Chad DuBose, Manager Date

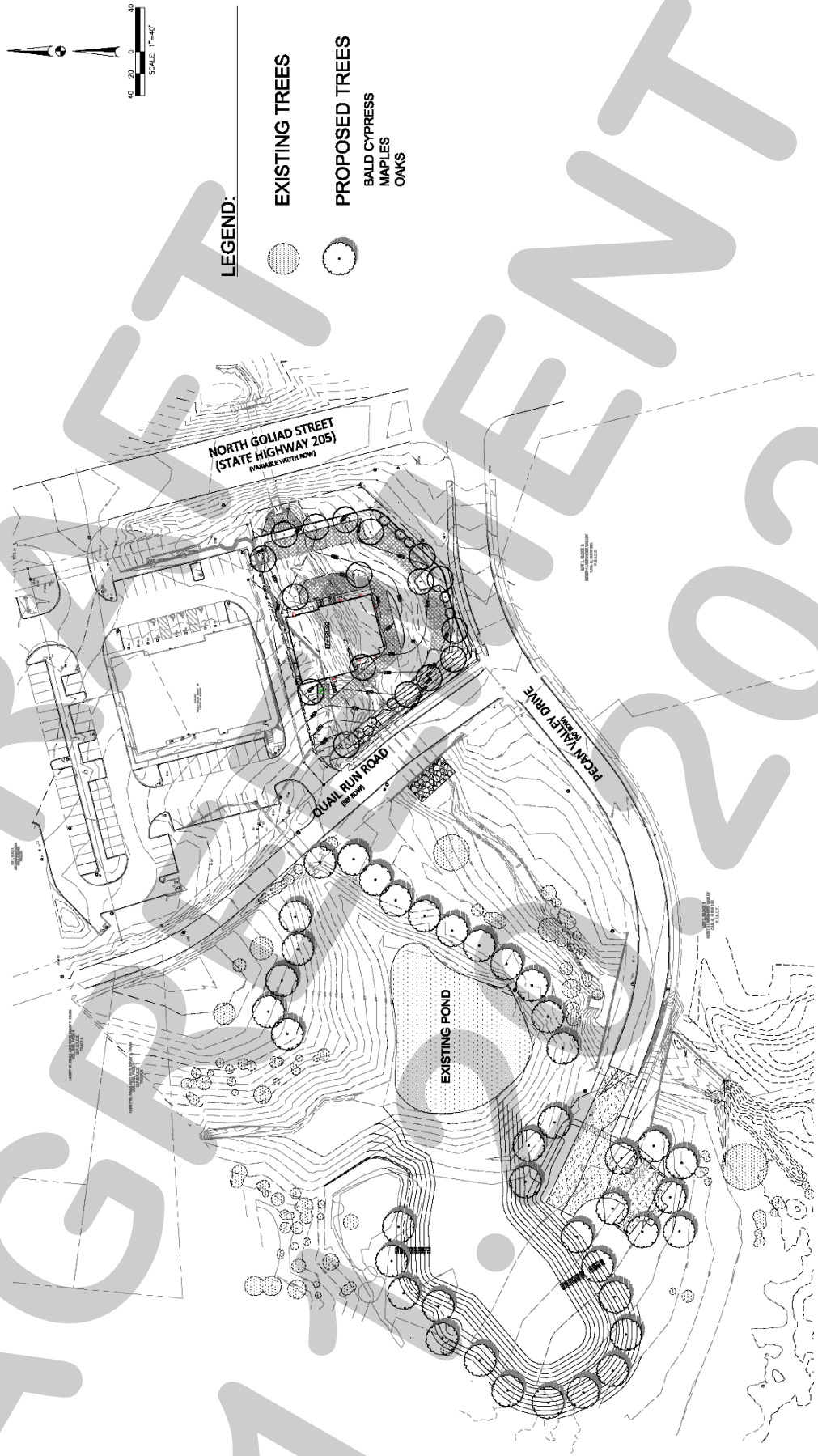
DRAFT AGREEMENT 1.20.2023

EXHIBIT 'A': CONCEPT PLAN



DRAFT AGENDA 12/12/2023

EXHIBIT 'B': LANDSCAPE PLAN



DRAFT AGENDA 1.9.2023

City of Rockwall

MEMORANDUM

TO: **Mayor and City Council Members**

FROM: **Kristy Teague, City Secretary**

DATE: **November 20, 2023**

SUBJECT: **Rockwall Economic Development Corporation (REDC) Amended Bylaws**

The Rockwall Economic Development Corporation (REDC) bylaws change was approved at the REDC board meeting on Thursday, November 9, 2023.

ATTACHMENTS:

1. EDC Bylaws

ROCKWALL
Economic Development Corporation

Memo

To: REDC Board of Directors

From: Phil Wagner

cc: REDC Staff

Date: October 30, 2023

Re: Proposed Bylaw Changes

At the request of the REDC liaisons to the City Council, Council members Tim McCallum and Dennis Lewis have recently requested the REDC modify its bylaws. The proposed modification is aimed at allowing REDC Board members, who have exhausted their complete term, to be reappointed to the REDC following a break in service of at least one year. Additionally, the City has suggested further modifying the bylaws to memorialize that the City may have up to two liaisons to the REDC.

The attached redline revisions to the bylaws show the proposed changes, occurring in Sections 3.04, 4.02, and 5.03. This language has been proposed by City Attorney Frank Garza. Section 11.01 outlines the process for bylaw amendments. If the proposed bylaws are approved by the Board of Directors, they will require City Council action to take effect.

attachment

ROCKWALL ECONOMIC DEVELOPMENT CORPORATION

CORPORATE BYLAWS

These Bylaws (hereinafter referred to as the "Bylaws") govern the affairs of the Rockwall Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the "Corporation") and is Type A economic development corporation created pursuant to Chapter 504 of the Texas Local Government Code (also referred to as the Development Corporation Act) .

Definitions: REDC Board of Directors consists of seven (7) voting members appointed by the Rockwall City Council (hereinafter referred to as the "City Council") and serve at the pleasure of the City Council for a period not to exceed six (6) years. Ex-Officio Members are non-voting members consisting of the duly elected City of Rockwall Mayor (hereinafter referred to as the "Mayor") and six (6) elected members of the City Council. These Ex-Officio members can serve in this capacity for the duration of their elected term.

Article I. Purpose

1.01 The Corporation is organized exclusively for the purpose of benefiting and accomplishing public purposes of the City of Rockwall, Texas (hereinafter referred to as the "City"), by promoting, assisting and enhancing economic development activities for the City as provided by Chapters 501 to 504 of the Texas Local Government Code (hereinafter referred to as the "Act"). The Corporation has no members and is a non-stock corporation.

Without limiting the foregoing, the Corporation shall develop and implement a competitive economic development program for the City, which will:

1. Expand and diversify the tax base of the City;
2. Retain and expand existing business;
3. Attract new business and investment to the City; and
4. Enhance existing job opportunities and create new ones, while protecting the local environment and resources.

Article II. Registered Office and Agent

2.01 The registered office of the Corporation shall be maintained in the City of Rockwall, Rockwall County, Texas, where the Corporation shall maintain a registered office at 385 S. Goliad, Rockwall, Texas 75087, and the registered agent as provided in the Act. The Board of

Directors shall be authorized to establish additional offices as well, and to change the location of any office of the Corporation.

Article III. Board of Directors

Management of the Corporation and General Powers

3.01 The affairs of the Corporation shall be managed by a Board of Directors appointed by the City Council. All voting rights shall be vested solely in the Board of Directors, whose members shall serve without compensation. In addition to the powers and authorities expressly conferred upon them by these Bylaws, the Board of Directors may exercise all such powers of the Corporation and do all lawful acts and things as are not prohibited by statute or by the Charter or by these Bylaws. Without prejudice to such general powers and other powers conferred by statute, by the Charter and by these Bylaws, it is expressly declared that the Board of Directors shall have the following powers, to-wit:

1. Develop policies and operating procedures that do not conflict with City policy;
2. Acquire or lease property (land and buildings) within the city limits or, with City Council approval, outside the City limits;
3. Plan, develop, improve, sell, or lease land;
4. Build or rehabilitate buildings for sale or lease;
5. Sell or lease property by installment payments or otherwise;
6. Provide funding for or to develop infrastructure;
7. Make secured or unsecured loans or loan guarantees;
8. Borrow funds and issue bonds with City Council approval;
9. Develop and implement financial/incentive programs to attract and retain business;
10. Sue or be sued in the Corporation's name;
11. Develop long-range goals and programs for the City and the Corporation;
12. Appoint standing or ad hoc committees, which may include individuals who are not members of the Board of Directors;
13. Employ personnel, as may be needed, to conduct the business of the Corporation;
14. Contract for services necessary to conduct the business of the Corporation; and
15. Market and promote the City amenities consistent with the purposes and duties set out in the Bylaws.

3.02. The Board of Directors shall be composed of seven (7) voting Directors, who shall serve at the pleasure of the City Council.

OFFICIAL BYLAWS

Qualifications of Directors

3.03 Board Directors will be selected based on interest in the work of the Corporation, special expertise, and civic service.

Board Directors, Ex-officio Members and Appointed Liaisons must not have been convicted of a felony or crime of moral turpitude.

All seven (7) Board of Directors must reside in the city limits of the City of Rockwall.

No person can serve concurrently on the Board of Directors and the City Council.

No person can serve on the Board of Directors who is an employee of the City or the Rockwall Chamber of Commerce.

3.04 The term of office for each Board Director shall be two (2) years or until successors are appointed. The terms should be staggered among appointed Directors. New Board Directors shall take office at the annual board meeting in January. No Board Director can serve more than three (3) consecutive full terms or to a maximum of six (6) years. For any person filling an unexpired term or ex-officio service, time of this service will not be included in maximum term limit of six (6) years.

A member of the Board who has served the maximum number of consecutive terms or a maximum of six (6) years may serve additional terms subject to the same limitations after a break in service of one year or more.

The past Chairman shall be an Ex-Officio, non-voting member of the Board of Directors for one (1) year following his/her maximum, service time of six (6) years unless he/she specifically declines the position.

Vacancies

3.05 Any vacancy occurring in the Board of Directors will be filled by appointment of the City Council for the remaining portion of the term.

Board Meeting Attendance

3.06 Unless special consideration is granted by the Board of Directors to accommodate Board Directors who are temporarily inactive for good cause, any Board Director who is absent from three (3) regular or special meetings of the Board of Directors in a calendar year, or three (3) sub-committee (as provided in Article VI below) meetings in a calendar year may be removed by the City Council.

Duties of Board Directors

3.07 Board Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. Board Directors shall act as fiduciaries with respect to the interests of the citizens of the City. In acting in their official capacity as Board Directors of this Corporation, Board Directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation and that are not unlawful. In all other instances, the Board of Directors shall not take any action that they should reasonably believe would be opposed to the Corporation's best interests or would be unlawful. A Board Director shall not be liable if, in the exercise of ordinary

care, the Board Director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

Article IV. Officers

Officer Positions

4.01 The officers of the Corporation shall be a **Chairman of the Board**, a **Vice Chairman**, and a **Secretary**, all of whom shall be members of the Board of Directors. The Board of Directors may appoint other officers as considered necessary. The officers shall have all powers specified in the Bylaws, as amended from time to time, and all powers authorized under the Act and the Texas Non-Profit Corporation Act of the State of Texas, or its successor.

Election and Terms of Office

4.02 The officers of the Corporation shall be elected annually by the Board of Directors at the last meeting of the calendar year and assume their duties at the first regular meeting of the new calendar year. If the election is not held at the last meeting of the year, it shall be held as soon thereafter as conveniently possible. Each officer shall hold office until a successor is duly elected and qualified. An officer may be elected to succeed himself or herself in the same office one (1) time over any three consecutive terms, or six-year period. Vacancies in officer positions may be filled by the Board of Directors for the unexpired term.

Chairman

4.03 The **Chairman** shall generally supervise and control all of the business and affairs of the Corporation and shall preside at all meetings of the Board of Directors. The **Chairman** shall perform all duties incident to the office and other duties prescribed from time to time by the Board of Directors. He or she may execute deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors has authorized to be executed. However, he or she may not execute instruments on behalf of the Corporation if this power is expressly delegated to another officer or agent of the Corporation by the Board of Directors, Bylaws, or statute.

Vice-Chairman

4.04 The **Vice-Chairman** shall perform such duties as assigned to him or her by the Board of Directors. In the absence of the Chairman, or if the Chairman is unable or refuses to act, the Vice-Chairman shall perform the duties of Chairman and have all the powers and be subject to all the restrictions of that office.

Secretary

4.05 The **Secretary** shall be the custodian of the corporate records. The **Secretary** shall record and keep or cause to be recorded and kept all votes and minutes of the meetings of the Board. The Secretary shall further give or cause to be given notice of all meetings of the Board of Directors and its committees, and shall perform such other duties as may be prescribed by the Board of Directors or President and CEO. The Secretary may designate one or more Assistant Secretaries, who may be employees of the Corporation, to assist in the administration of the corporate records.

President and CEO

4.06 The **President and CEO** shall be the **Chief Executive Officer** of the Corporation and shall perform such duties as may be incident to his or her office or specifically delegated to him or her. The **President and CEO** shall be responsible for policy and program implementation and for all operations of the Corporation, including hiring, supervising, and dismissing employees, and can serve as a member of any committees created by the Board of Directors. The **President and CEO** shall compile and submit to the Board regular reports and recommendations regarding the programs, policies, and business affairs of the Corporation.

The **President and CEO** will report to the Corporation Board of Directors.

Article V. Ex-Officio Directors

5.01 The City Council and past Board Chairman shall be Ex-officio Members of the Corporation.

5.02 The term of office of the Ex-officio Members serving on the City Council shall be terms of their elected offices as the City Council, but may not serve in this capacity past the duration of their elected term. The term of office for the past Board Chairman shall be one (1) year in accordance with Section 3.04 of these Bylaws.

Board Liaisons

5.03 The City Manager and up to two ~~one~~ (2~~1~~) member**s** of the City Council, appointed by the City Council, shall serve as the official non-voting liaisons between the City Council, and the Corporation Board of Directors for the purposes of communication, coordination, and cooperation. Notices of all Board of Directors Meetings, notices of meeting of subcommittees, schedules, and agendas shall be distributed to the Board Liaisons.

The Mayor and City Council may appoint two (2) additional non-voting liaisons from the following: one (1) member appointed from the Rockwall ISD School Board, and one (1) member appointed from the Rockwall County Commissioner's Court. These two (2) non-voting, liaisons will serve at the pleasure of the City Council, for a two (2) year term. They may be reappointed to serve an additional two (2) year term, but may not serve in this capacity past the duration of their elected term.

Article VI. Board Committees

6.01 The Board of Directors may establish and delegate specified authority to additional standing and ad hoc committees from time to time. A committee may include persons who are not Directors of the Corporation, provided they otherwise meet the same qualifications of a Director and are approved by City Council. The Board of Directors may establish qualifications for membership of a committee.

In addition, the Board of Directors may authorize subcommittees from time to time and charge them with clear and specific duties. Subcommittees will operate under the general rules governing the Board committees and the general oversight of the President and CEO and Committee chair.

The establishment of a committee shall not relieve the Board of Directors, or any individual Director, of any responsibility imposed by the Bylaws or otherwise imposed by law. No committee shall have the authority of the Board of Directors to:

(a) Amend the articles of incorporation.

(b) Adopt a plan or merger or a plan of consolidation with another corporation.

(c) Authorize the sale, lease, exchange, or mortgage of any property and assets of the Corporation.

(d) Authorize the voluntary dissolution of the Corporation.

(e) Revoke proceeding for the voluntary dissolution of the Corporation.

(f) Adopt a plan for the distribution of the assets of the Corporation.

(g) Amend, alter, or repeal the Bylaws.

(h) Elect, appoint, or remove a member of a committee or Director or officer of the Corporation.

(i) Approve any transaction to which the Corporation is a party or undertake any action that involves a potential conflict of interest as defined in paragraph 8.08 below.

(j) Take any action outside the scope of authority delegated to it by the Board of Directors.

(k) Take final action on a matter that requires the approval of the Board of Directors.

(l) Commit Corporation funds without the prior approval of the Board of Directors.

(m) Undertake any other matters appropriate to the authority of the Board of Directors.

Committee Terms

6.02 The members of each standing committee shall serve until the end of the calendar year and/or until successors are appointed by the Board of Directors, unless the committee is terminated or a member is removed, resigns or ceases to qualify as a member. Vacancies on committees may be filled in the same manner as the original appointment.

Rules

6.03 Each committee or subcommittee may adopt rules for its own operation not inconsistent with the Bylaws or with rules adopted by the Board of Directors.

Article VII. Meetings

Regular Meetings

7.01 The Board of Directors shall provide for at least six (6) regular meetings annually by resolution stating the time and place of such meetings.

Annual Meeting

7.02 The last meeting of the Corporation's fiscal year shall be designated as the Annual Meeting. It shall be held at a time and place designated by the Board of Directors and may be held in conjunction with a special or regular meeting of the City Council.

Special Meetings

7.03 Special meetings of the Board of Directors may be called by the Mayor or at the request of the Chairman of the Board or upon written request of at least three (3) Directors. Any notice of a special meeting shall contain a summary of the business or proposals to be brought before the special meeting. Should a Directors' request for the special meeting be submitted to the Chairman and filed in the President and CEO's office by three (3) Directors, the Chairman shall determine and notify all Directors in writing of the date, time and place of the special meeting within three (3) days of the receipt of the Directors' request, and the meeting shall be held within ten (10) days of the receipt of the Directors' request.

Notice

7.04 Written or printed notice of each regular meeting of the Board of Directors shall be delivered to each Director by mail, fax or other means not less than five (5) days before the date of the meeting. If mailed, a notice shall be deemed to be delivered when deposited in the U.S. Mail addressed to the person at his or her address as it appears in the records of the Corporation, with postage paid. The notice shall state the place, day and time of the meeting. In the case of special meetings, notice may be issued to Directors by mail, telephone, fax, or in person at least three (3) days before the date of the meeting, and in addition to place, date and time, shall include who called the meeting and the purpose for which the special meeting is called. Attendance of a Director at a meeting shall constitute a waiver of notice of that meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction or any business on the ground that the meeting is not lawfully called or convened.

Quorum

7.05 Four (4) Board Directors currently serving shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Action of Board of Directors

7.06 The unanimous vote of at least four (4) of the Board Directors present and voting at a meeting shall be sufficient to constitute the act of the Board of Directors.

Proxies

7.07 A Board Director may not vote by proxy.

Open Meetings

7.08 All meetings and deliberations of the Board of Directors shall be called, convened, held, and conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

Article VIII. Corporate Duties, Transactions, and Responsibilities

Annual Work Plan and Performance Evaluation

8.01 The Board of Directors and the President & CEO shall research, develop, prepare, and submit to the City Council for its approval an annual work plan which shall set out goals and objectives of the Corporation, including but not limited to short-term and long-term goals for the economic development of the City, proposed methods for the elimination of unemployment and underemployment, goals and objectives for the utilization of funds to promote the expansion and development of a sound industrial and manufacturing base for and within the City, and any other similar goals and objectives deemed appropriate by the Board of Directors and the City Council. The Board of Directors shall review and update the plan each year prior to submission of the annual budget required by other provisions of these Bylaws. In addition, the Board of Directors shall accompany each subsequent work plan following the initial work plan with a performance evaluation detailing the Board of Director's achievements of its prior goals and objectives during the course of the previous fiscal year. Quarterly reports outlining the activity of the Corporation for that quarter shall be submitted in writing by the Board of Directors for review by the City Council within thirty (30) days after the end of each quarter.

Annual Corporate Budget

8.02 The Board of Directors shall prepare a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council. The proposed budget shall be submitted to the City Manager within a time frame to be specified by the City Manager for inclusion in the proposed budget.

Limitations on Expenditures

8.03 The Corporation shall spend no more than ten percent (10%) of the Corporate revenues for promotional purposes and may contract with other existing private corporations to carry out industrial development programs consistent with the purposes and duties set out in these Bylaws and as set out in the Act.

Deposit and Investment of Corporation Funds

8.04 All proceeds from the issuance of bonds, notes, or other debt instruments issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their issuance. All other monies of the Corporation shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board of Directors shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds there from for use by and for the purposes of the Corporation. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the finance department of the City, unless otherwise approved by the City Council. The Corporation shall pay reasonable compensation for such services by the City.

Staff Support

8.05 The Corporation will contract with the City to provide legal and financial services for the Corporation upon terms, conditions, and compensation as mutually agreeable. The Corporation may seek support and services outside the City when needed.

Contracts

8.06 The Board of Directors may, by official action as specified herein, authorize any agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of and on behalf of the Corporation, which is authorized under these Bylaws. This authority may be limited to a specific contract or instrument or it may extend to any number and type of possible contracts and instruments.

Gifts

8.07 The Board of Directors may accept, on behalf of the Corporation, any gift or bequest provided for the general purpose of or for any special purpose of the Corporation. Special funds shall include all funds from government contracts and gifts designated by a donor for special purposes. All other funds shall be general funds.

Potential Conflicts of Interest

8.08 The Corporation shall not make a loan to a Director or officer of the Corporation. A Director, officer, or committee member of the Corporation may not lend money to and otherwise transact business with the Corporation except as otherwise provided by the Bylaws, Articles of Incorporation, and all applicable laws. Such a person transacting business with the Corporation has the same rights and obligations relating to those matters as other persons transacting business with the Corporation. The Corporation shall not borrow money from or otherwise transact business with a Director, officer, or committee member of the Corporation unless the transaction is described fully in a legally binding instrument and is in the best interest of the Corporation. The Corporation shall not borrow money from or otherwise transact business with a Director, officer, or committee member of the Corporation without full disclosure of all relevant facts and without the approval of the Board of Directors, not including the vote of any persons having personal interest in the transaction, and the City Council.

Prohibited Acts

8.09 As long as the Corporation is in existence, no Director, officer, or committee member of the Corporation shall:

(a) Do any act in violation of the Bylaws or a binding obligation of the Corporation.

(b) Do any act with the intention of harming the Corporation or any of its operations.

(c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the Corporation.

(d) Receive an improper personal or business benefit from the operation of the Corporation.

(e) Use the assets of the Corporation directly or indirectly for any purpose other than carrying on the business of the Corporation.

(f) Wrongfully transfer or dispose of Corporation property, including intangible property such as good will.

(g) Use the name of the Corporation (or any substantially similar) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business.

(h) Disclose any of the Corporation's business practices, trade secrets, or any other information not generally known to the business community to any person not authorized to receive it.

(i) Commit Corporation funds without the prior approval of the Board of Directors.

The Corporation shall not have the power to own or operate any project as a business owner except as lessor, seller, or lender or pursuant to the requirements of any trust agreement securing the credit transaction. In addition, the user pursuant to any lease, sale, or loan agreement relating to a project shall be considered to be the owner of the project for the purposes of the application of any ad valorem, sales, and use taxes or any other taxes levied or imposed by the State of Texas or any political subdivision of the State of Texas. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting of any servicing thereof shall not be deemed the operation of a project.

Article IX. Books, Records, Audits

Maintenance of Records

9.01 The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles (GAAP), complete books, records, accounts, and financial statements pertaining to all Corporate funds, activities, and affairs. In addition to proper financial reports, the Corporation shall keep correct and complete minutes of all Board and committee meetings and all the records required by the City, by contracting agents, or by funding sources.

Compliance with State Law

9.02 All records shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552 of the Texas Government Code and Chapter 201 of the Texas Local Government Code.

Inspection

9.03 Any member of the City Council, the City Manager, Director, or officer of the Corporation may inspect and receive copies of all books and records of the Corporation required to be kept by the Bylaws. Any person entitled to inspect and copy the Corporation's books and records may also do so through his or her attorney or other fully authorized representative. The Board of Directors may establish reasonable fees for copying the Corporation's books and records by or for any member of the City Council, the City Manager, Board Director, or officer of the Corporation. Consistent with the obligations and limitations of the Texas Public Information Act, the Corporation shall provide requested copies of books or records no later than ten (10) working days after the Corporation's receipt of proper written notice.

Audits

9.04 The Corporation shall cause its books, records, accounts, and financial statements, and all other activities for the previous fiscal year to be audited at least once each fiscal year by an outside independent certified public accounting firm selected by the Corporation and approved by the City Council. Any such audit shall be performed in accordance with generally accepted accounting procedures (GAAP) and shall include a written management letter which details suggested management controls and operating efficiencies. The management letter shall include, but not be limited to, recommendations for improving cost reductions, recommendations for increasing revenues, and recommendations for increasing productivity and safeguarding assets. Each audit shall be prepared and submitted annually to the Corporation President and CEO, City Manager and the City Council for approval within one hundred twenty (120) days after the end of the Corporation's fiscal year. Any such audit shall be performed at the expense of the Corporation.

Article X. Fiscal Year

10.01 The fiscal year of the Corporation shall run concurrently with the City beginning on the first day of October and ending on the last day of September each year.

Article XI. Amendments to Bylaws

11.01 The Board of Directors, by the affirmative vote of four (4) Board Directors, may alter, amend, or repeal the Bylaws or adopt new Bylaws at any regular meeting, or any special meeting providing that notice be given not less than three (3) days prior to such meeting and that such notice contain a copy of the proposed amendment or amendments. Said amendments shall be effective only upon approval by the City Council.

11.02 If any Bylaw provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.

Article XII. Indemnification and Insurance

Corporation to Indemnify

12.01 As provided in Section 504.107 of the Act, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions. The Corporation shall indemnify each and every member of the Board of Directors, its officers, its employees, its attorneys, each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys' fees incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

Corporation May Provide Insurance

12.02 The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, officer, employee, or agent of the Corporation to insure such person against any liability asserted against said person by reason of such person being or having been a Director, officer, employee, or agent of the Corporation. The premiums for such insurance shall be paid for by the Corporation.

Article XIII. Parliamentary Authority

13.01 Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedure not specifically covered by the Bylaws or any specific rules of procedure adopted by this Board or by the City Council.

Article XIV. Dissolution of the Corporation

14.01 The Corporation is a non-profit corporation. Upon dissolution, all of the Corporation's assets shall be distributed to the City.

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 23 - 11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE BYLAWS OF THE ROCKWALL ECONOMIC DEVELOPMENT CORPORATION (REDC); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Rockwall Economic Development Corporation (hereinafter referred to as the "REDC") is Type A economic development corporation, operating pursuant to the provisions of Chapters 504 of the Texas Local Government Code, as amended; and

WHEREAS, City of Rockwall Resolution 17-18 was passed and approved by the Rockwall City Council on July 17, 2017, and it (in part) amended the REDC bylaws at that time; and

WHEREAS, by the adoption of this Resolution, the Rockwall City Council finds and determines that it is advisable that the proposed amendments to the REDC's official bylaws be made, authorizes the same to be made, and approves the form of the proposed amendments as set forth in ***Exhibit A*** of this resolution.

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

Section 1. the corporate bylaws of the Rockwall Economic Development Corporation (REDC) are hereby amended and adopted as the official bylaws of the REDC, as reflected in ***Exhibit A*** of this resolution;

Section 2. this resolution shall be in full force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 20TH DAY OF NOVEMBER, 2023.

APPROVED:

_____
Trace Johannesen, Mayor

ATTEST:

_____
Kristy Teague, City Secretary