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ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 15, 2019 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

II. WORK SESSION

pg.8 1. Hold a work session to discuss planning and zoning related bills approved with the 86th Legislature.

pg.29 2. Hold a work session to discuss changes to Article XI, Fences, of Chapter 10, Building and Building Regulations, of the Municipal Code of Ordinances and the Unified Development Code (UDC).

III. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission, Animal Advisory Board, and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding a personnel matter, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

VIII. OPEN FORUM

IX. CONSENT AGENDA

- pg.37** 1. Consider approval of the minutes from the July 1, 2019 regular city council meeting, and take any action necessary.
- pg.49** 2. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 18. Fire Prevention and Protection, Article III. Fire Marshal, Sections 18-66 and 18-67, authorizing the Fire Chief to appoint the Fire Marshal, and take any action necessary **(2nd reading)**.
- pg.52** 3. Consider approval of an ordinance amending the Code of Ordinances in Ch. 44 "Utilities," Article V. "Water," Division 7. "Water Resource and Emergency Management Plan," Sec. 44-432 to adopt a new plan that incorporates requirements pertaining to "Procedures for Curtailment of Water Supplies," and take any action necessary. (1st Reading)
- pg.84** 4. Consider approving the facilities agreement with Alders at Rockwall Property, LLC to reconstruct the existing Squabble Creek Sanitary Sewer Interceptor within the Alders at Rockwall development in an amount not to exceed \$556,034.66 and to be funded by sewer bonds and take any action necessary.
- pg.91** 5. **P2019-011 - Consider a request by Judy K. Larson** for the approval of a final plat for Lot 1, Block A, Devoll Place Addition being a 6.96-acre tract of land identified as Tract 26-2 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 1.5 (SFE-1.5) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 556 N. FM-3549, and take any action necessary.
- pg.98** 6. **MIS2019-012 - Consider a request by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of TEKMAK Development Company** for the approval of an Alternative Tree Mitigation Plan for an 8.715-acre tract of land identified as a portion of Lot 1, Block B, Goldencrest Addition and Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary.
- pg.105** 7. **P2019-026 - Consider a request by Bill Bricker of Columbia Development Co., LLC** for the approval of a preliminary plat for Lots 1-5, Block A, Park Station Addition, being a 16.26-acre tract of land identified as a portion of Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary.

X. APPOINTMENT ITEMS

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

XI. ACTION ITEMS

pg.112 1. Discuss and consider directing staff to amend the Unified Development Code (UDC) and the Municipal Code of Ordinances to address changes relating to fences and planning and zoning related bills approved with the 86th Legislature, and take any action necessary.

pg.114 2. **SP2019-014** - Discuss and consider a request by Ahmed Helaluzzaman on behalf of Abdul Latif Khan of Center for Peace and Mercy, Inc. for the approval of a variance in conjunction with an approved site plan for a retail shopping center and house of worship on a 2.681-acre tract of land identified as Tract 10-1 & 22 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located on the north side of Turtle Cove Boulevard north of the intersection of Turtle Cove Boulevard and Ridge Road [FM-740], and take any action necessary.

pg.123 3. **Z2018-046** - Discuss and consider a request by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of an extension to a Specific Use Permit (SUP) [S-200; Ordinance No. 19-02] allowing existing temporary educational buildings in conjunction with a private school to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH-205], and take any action necessary.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission, Animal Advisory Board, and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding a personnel matter, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)

4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

XIV. ADJOURNMENT

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

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

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 12th day of July, 2019 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed



CITY OF ROCKWALL

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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: July 15, 2019

SUBJECT: Legislative Update for Planning and Zoning Related Bills

During the 86th Legislative Session several planning and zoning related bills were approved by the legislature that have major impacts to the City's codes. These bills could affect how the community grows and develops in the future. In order to amend the City's ordinances to address the new laws prior to their effective dates (*i.e. September 1, 2019*), City staff has prepared a synopsis of each of the major bills for the City Council's review. In addition, staff has provided a summary of each of the bills' perceived impacts to the City of Rockwall, the actions necessary to change the codes to address the new laws, and several strategies that the City Council may consider when directing staff to make the necessary changes. Staff has also placed the full text for each bill in the attached packet for the City Council's review. At the end of this memorandum, staff has included several questions for the City Council to answer that will assist staff in the update.

Planning Related Bills Approved by Legislature

- **HB347 (Annexation)**: This bill effectively eliminates the City of Rockwall's ability to unilaterally annex property located within the City's Extraterritorial Jurisdiction (ETJ). More specifically, the bill eliminates the *Tier 1* and *Tier 2* distinction for cities and counties, which was created by SB6 during the 84th Legislative Session.

Effective Date of HB347: May 24, 2019

What does HB347 mean for the City of Rockwall?

HB347 restricts the City's ability to unilaterally annex property, and all future annexations in the City will be voluntary to some degree (*i.e. property owner initiated or through an election of all property owners in the proposed annexation area*).

Strategies or Actions as a Result of HB3167

There are no strategies or code amendments associated with the implementation of this bill.

- **HB2439 (Building Materials and Methods)**: This bill effectively restricts a City from enforcing or adopting regulations that prohibit or limit -- *directly or indirectly* -- the use or installation of a building product or material in the construction or renovation of a residential or commercial building that is already regulated by a *National Model Code* (*i.e. the International Building Code*). The bill does allow for certain exclusions including:

- (1) An ordinance or other regulation that regulates outdoor lighting for the purpose of reducing light pollution.

- (2) A building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b) of the Texas Local Government Code (TLGC) if: [1] the municipality is a certified local government, [2] the municipality has an applicable landmark ordinance.
- (3) A building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019.
- (4) A building listed on the National Register of Historic Places or designated as a landmark by a governmental entity.
- (5) A building located in an area designated for development, restoration, or preservation in a Main Street City under the Main Street Program established under Section 442.014 of the TLGC.

In addition, the bill states that the Attorney General or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002, and that the court may grant appropriate relief.

Effective Date of HB2439: September 1, 2019

What does HB2439 mean for the City of Rockwall?

The language used in HB2439 is broad and is targeted at preempting a City's ability to regulate development through a zoning ordinance. For the City of Rockwall, the bill will restrict the ability to regulate building materials (*i.e. requiring masonry materials*) through the Unified Development Code; however, the exceptions may continue to allow the City to regulate building materials in certain areas. After conferring with the City Attorney, staff believes the bill will continue to allow the City the ability to regulate building materials in the current manner in the City's various overlay districts (*based on Exception #3 above*), the Downtown (DT) District (*based on Exception #5 above*), the Old Town Rockwall (OTR) Historic District and Planned Development District 50 (PD-50) (*based on Exception #2 above*), the City's locally designated landmarks (*based on Exception #4 above*), Planned Development District 32 (PD-32) (*based on Exception #3 above*), and through future Specific Use Permit (SUP) ordinances. There are still some questions as to whether or not the bill will have an effect on the City's existing Planned Development Districts; however, the City Attorney has stated a belief that state law would preempt these ordinances. There is also some ambiguity on if the City will be able to -- *with the owner(s)/applicant(s) permission* -- be able to regulate building materials through future Planned Development Districts. Much of the uncertainty of this bill will be solved when/if a City gets challenged based on their interpretation of the bill. Staff should note that this bill also has implications on the City's ability to adopt local amendments to the International Building Code (IBC).

For the City's future development, this bill has implications associated with:

- (1) *Residential Accessory Buildings.* All residential accessory buildings adhering to the size requirements would be permitted to be constructed out of metal.
- (2) *Residential Structures.* Mobile and modular homes would be permitted within the City limits in areas that are not listed in the above exceptions. This may also include the Lake Rockwall Estates Subdivision, which has been transitioning largely due to the one (1) time replacement on mobile and modular homes required by Planned Development District 70 (PD-70). Residential structures that represent infill development in areas of the City that are not covered by deed restrictions would be permitted to be built using materials that were not previously permitted in these subdivisions. This could change the established aesthetics in these areas and could have a potential impact on property values. Materials previously prohibited, such as logistics containers, would also be permitted to be used in the construction of new homes.
- (3) *Non-Residential Structures.* The City's major roadways are currently covered by the overlay districts, which it appears will be largely unaffected by the requirements of HB2439; however, many of the commercial areas outside of the overlay districts are adjacent to residential subdivisions. Since non-residential structures -- *not situated within the areas listed in the above*

exceptions -- would be exempted from the building material standards, this could mean more metal buildings adjacent to residentially zoned properties.

Strategies or Actions as a Result of HB2439

Based on the approval of this bill staff will be required to amend large portions of the City's Unified Development Code. Through these amendments there are several opportunities or strategies, that the City Council may choose to adopt, which would continue to ensure the City is demanding the highest quality development in lieu of the restrictions of HB2439. Some of these include:

- (1) Increasing the anti-monotony standards for residential properties. This is currently being implemented in the City's Planned Development District ordinances and could be implemented in the *General Residential District Standards*.
- (2) The use of Specific Use Permits (SUP's) [*which the City Attorney has stated that the City could require building material requirements through*] could be expanded. This could also be reapplied to residential accessory structures (*as was previously done prior to the update of the code by Ordinance No. 18-47*).
- (3) Apply the overlay district standards -- *with the exception of the building material standards* -- to all development within the City.
- (4) Make it more difficult to obtain variances and exceptions. This could be achieved in several ways including: [1] making all variances and exceptions subject to a supermajority vote, [2] creating a compensatory requirement whereby in order to request a variance the applicant is required to off-set the variance through a list of compensatory measures (e.g. *increased landscaping, increased setbacks, increased landscape buffers, structure/shared parking* -- *staff is also exploring if the use of building materials could be incorporated in this section since it would be a voluntary selection by the applicant*), and/or [3] reducing the number of exceptions and variances approved.
- (5) Increase the landscaping standards and make the overlay district landscape standards applicable citywide. Increase the number of trees required in landscape buffers.

DISCLAIMER: These strategies are not meant to directly or indirectly prohibit the use or installation of a building product or material, but rather ensure high quality development in the City.

Staff should note that any of these measures would be discretionary to the City Council and staff would only pursue these measures at the City Council's direction.

- HB3167 (Development Applications): This bill makes numerous changes to how City's process and approve site plan and platting applications. A summary of the specific implications of this bill are as follows:

- (1) Puts a 30-day "shot clock" on the approval of all site plans and plats. For site plans this means that the Planning and Zoning Commission is required to approve, approve with conditions, or deny a site plan application within 30-days of the application being filed. For plats, the Planning and Zoning Commission has 30-days to forward a recommendation to the City Council, which then has 30-days from this action to approve, approve with conditions, or deny the plat.
- (2) The 30-day "shot clock" may only be extended by the applicant for an additional 30-days if the applicant requests in writing an extension to the deadline and the municipal authority or governing body approves such extension request.
- (3) If a site plan or plat is approved with condition or denied by the municipal authority, staff is required to provide a written letter stating all conditions of approval or the reason for disapproval that clearly articulates each condition or reason for disapproval citing the section of the code or law for which the condition or reason for disapproval originates (*i.e. the conditions cannot be arbitrary*).
- (4) If a site plan or plat is approved with condition or denied by the municipal authority, the applicant is permitted to respond to staff's written letter (*required in #3 above*) within an undetermined

amount of time (*i.e. the municipal authority is not permitted to set a deadline*). If the municipal authority receives a response from an applicant, the municipal authority is required to respond no later than 15-days from receipt of the response, stating approval if the response adequately address the issues or disapproval stating the reason for each disapproval.

- (5) If a site plan or plat is approved by the municipal authority, the site plan or plat is endorsed with a certificate indicating the approval.
- (6) The municipal authority responsible for approving plats or the governing body of the municipality may not request or require an applicant to waive a deadline or other approval procedure.
- (7) In a legal action challenging a disapproval of a plan or plat, the City has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a deferential standard.

Effective Date of HB3167: September 1, 2019

What does HB3167 mean for the City of Rockwall?

Moving forward HB3167 will not affect the City's platting process, as plats are typically approved with condition within 30-days; however, the City will be required to remove the 30-day waiver that is currently on the development application. For plats, the City will have to start stamping and signing all plats (*i.e. master plats and preliminary plats*) with the same certificate that replats and final plats are currently being stamped with. The real effect of HB3167 is in the process in which the City currently approves site plans. The purpose of this law is to accelerate the approval process of site plans; however, for the City of Rockwall this removes much of the flexibility that staff uses to facilitate development request (*i.e. approving all site plans by conditional approval within 30-days and clearing up development issues on the back end*), and is more likely to make the process more difficult on applicants. This is tied to several aspects of the bill including:

- (1) The rigid time period for acting on a site plan. Currently, applicants are able to submit site plans at their convenience and staff has not taken a rigid approach to application deadlines (*i.e. staff takes site plan applications before and after the submittal deadline*). Moving forward all site plans will have to be submitted on the deadline date with no early or late applications being accepted. This will be necessary to ensure that action is taken on all site plans within 30-days without exception.
- (2) The Planning and Zoning Commission can only approve, approve with condition, or deny a site plan. This means that the Planning and Zoning Commission cannot table a case to request additional information. In circumstances where additional information (*e.g. Traffic Impact Analysis*) is required, the Planning and Zoning Commission will be required to deny the application, and the applicant will be required to resubmit the site plan at the next submittal date.
- (3) Due to the laborious requirements associated with approving site plans with conditions under HB3167, staff will be required to deny any site plan that does not return comments on the date required to take the site plan forward. Currently, the City's approval process operates on a 30-day cycle, which makes it difficult for applicants to return all of staff's comments in time to make the Planning and Zoning Commission meeting date. Under the current process staff has been taking these site plans forward for conditional approval to help facilitate the applicant's request in a timely manner. Moving forward staff will be required to deny these requests for not meeting the requirements, and the applicant will be required to resubmit a new application at the next submittal deadline.

In addition, this bill will also require all site plans be stamped with a certificate and signed by the Planning and Zoning Commission chairman. Despite these requirements, staff will continue to look for ways to facilitate all requests in a timely manner; however, in certain cases applicants may be submitting and resubmitting a site plan request multiple times, which will extend the approval process beyond the desired 30-day period.

Strategies or Actions as a Result of HB3167

In order to bring the City's codes and applications into compliance with the requirements of HB3167, staff will need to make amendments to: [1] Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances, [2] Article XI, *Zoning-Related Applications*, of the Unified Development Code (UDC), and [3] the Development Application. Beyond these amendments, there really are no strategies that staff can put forth to address the changes associated with HB3167 with the exception of changing the City's site plan process and discontinuing approving site plans conditionally. To make it easier on the Planning and Zoning Commissioners, staff intends on outlining what actions are required by the Planning and Zoning Commission on all future site plan memos. Staff will also include what options the Planning and Zoning Commission has with regard to each action (*i.e. approved, approve with condition or denial*).

Questions for the City Council

- (1) Given the ambiguity associated with HB2439 and the possibility for legal challenge, is the City Council comfortable allowing staff to continue to enforce building material restrictions in the City's overlay districts? Planned Development Districts?
- (2) Does the City Council want staff to explore amending the *Permissible Use Charts* in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) to increase the use of Specific Use Permits (SUP's)? Require a SUP for residential accessory buildings?
- (3) Does the City Council want staff to amend the City's general development standards for residential and/or non-residential development to be more restrictive (*e.g. increased anti-monotony, development standards similar to the overlay district standards applied citywide, increased landscaping requirements*)?
- (4) Does the City Council want staff to create compensatory measures for variances and exceptions, and/or change the voting requirements for variances and exceptions?

AN ACT

relating to consent annexation requirements.

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

ARTICLE 1. REPEAL OF TIER SYSTEM

SECTION 1.01. The following provisions of Chapter 43, Local Government Code, are repealed:

- (1) Sections 43.001(2), (3), (4), and (5);
- (2) Section 43.011;
- (3) Subchapter B;
- (4) Section 43.0505(b);
- (5) Section 43.052;
- (6) Section 43.053;
- (7) Section 43.056(q);
- (8) Section 43.0561;
- (9) Section 43.0562;
- (10) Section 43.0563;
- (11) Section 43.0564;
- (12) Section 43.061(b);
- (13) Section 43.066;
- (14) Section 43.067;
- (15) Section 43.068;
- (16) Section 43.069;
- (17) Section 43.0751(o);
- (18) Section 43.0752;
- (19) Section 43.103;
- (20) Section 43.105; and
- (21) Subchapter Y.

SECTION 1.02. The heading to Subchapter C-2, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES
REGARDING CONSENT ANNEXATIONS [~~+- TIER 2 MUNICIPALITIES~~]

SECTION 1.03. The heading to Subchapter C-3, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS [~~+- TIER 2 MUNICIPALITIES~~]

SECTION 1.04. The heading to Subchapter C-4, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF LESS THAN 200 BY PETITION [~~+- TIER 2 MUNICIPALITIES~~]

SECTION 1.05. The heading to Subchapter C-5, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-5. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200 BY ELECTION [~~+- TIER 2 MUNICIPALITIES~~]

SECTION 1.06. Section 43.1025(c), Local Government Code, is amended to read as follows:

(c) The area described by Subsection (b) may be annexed under the requirements prescribed by Subchapter C-3, C-4, or C-5, as applicable [~~to a tier 2 municipality~~], but the annexation may not occur unless each municipality in whose extraterritorial jurisdiction the area may be located:

- (1) consents to the annexation; and
- (2) reduces its extraterritorial jurisdiction over the area as provided by Section 42.023.

SECTION 1.07. Section 43.1211, Local Government Code, is amended to read as follows:

Sec. 43.1211. USE OF CONSENT PROCEDURES [~~AUTHORITY OF CERTAIN TIER 2 MUNICIPALITIES~~] TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning December 1, 2017, a [~~tier 2~~] municipality described by Section 43.121(a) may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area ~~13~~ing the procedures

under Subchapter C-3, C-4, or C-5, as applicable.

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. The following provisions of the Special District Local Laws Code are repealed:

- (1) Section 8374.252(a);
- (2) Section 8375.252(a);
- (3) Section 8376.252(a);
- (4) Section 8377.252(a);
- (5) Section 8378.252(a);
- (6) Section 8382.252(a);
- (7) Section 8383.252(a);
- (8) Section 8384.252(a);
- (9) Section 8385.252(a); and
- (10) Section 8477.302(a).

SECTION 2.02. Section 43.0116(a), Local Government Code, is amended to read as follows:

(a) Notwithstanding any other law and subject to Subsection (b), a municipality may annex all or part of the area located in an industrial district designated by the governing body of the municipality under Section 42.044 under the procedures prescribed by Subchapter C-1 ~~[the requirements applicable to a tier 1 municipality]~~.

SECTION 2.03. The heading to Subchapter C, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C. LIMITATIONS AND REQUIREMENTS REGARDING ANNEXATIONS EXEMPTED FROM CONSENT ANNEXATION PROCEDURES ~~[PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: TIER 1 MUNICIPALITIES]~~

SECTION 2.04. Section 43.0505(a), Local Government Code, is amended to read as follows:

(a) This ~~[Except as provided by Subsection (b), this]~~ subchapter applies only to an annexation under Subchapter C-1 ~~[a tier 1 municipality]~~.

SECTION 2.05. Sections 43.056(a), (b), (j), and (k), Local Government Code, are amended to read as follows:

(a) This section applies to a service plan under Section 43.065 ~~[Before the first day of the 10th month after the month in which the inventory is prepared as provided by Section 43.053, the municipality proposing the annexation shall complete a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality]~~.

(b) The service plan, which must be completed ~~[in the period provided by Subsection (a)]~~ before the annexation, must include a program under which the municipality will provide full municipal services in the annexed area no later than 2-1/2 years after the effective date of the annexation, in accordance with Subsection (e), unless certain services cannot reasonably be provided within that period and the municipality proposes a schedule for providing those services, and must include a list of all services required by this section to be provided under the plan. If the municipality proposes a schedule to extend the period for providing certain services, the schedule must provide for the provision of full municipal services no later than 4-1/2 years after the effective date of the annexation. However, under the program if the municipality provides any of the following services within the corporate boundaries of the municipality before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection, except as provided by

Subsection (o);

(5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;

(6) operation and maintenance of roads and streets, including road and street lighting;

(7) operation and maintenance of parks, playgrounds, and swimming pools; and

(8) operation and maintenance of any other publicly owned facility, building, or service.

(j) The proposed service plan must be made available for public inspection and explained to the inhabitants of the area at the public hearings held under Section 43.063 ~~[43.0561]~~. The plan may be amended through negotiation at the hearings, but the provision of any service may not be deleted. On completion of the public hearings, the service plan shall be attached to the ordinance annexing the area and approved as part of the ordinance.

(k) On approval by the governing body, the service plan is a contractual obligation that is not subject to amendment or repeal except that if the governing body determines at the public hearings required by this subsection that changed conditions or subsequent occurrences make the service plan unworkable or obsolete, the governing body may amend the service plan to conform to the changed conditions or subsequent occurrences. An amended service plan must provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the governing body must provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 43.063 ~~[43.0561]~~.

SECTION 2.06. The heading to Subchapter C-1, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-1. ANNEXATION PROCEDURE FOR AREAS EXEMPTED FROM
CONSENT ~~[MUNICIPAL]~~ ANNEXATION PROCEDURES ~~[PLAN: TIER 1~~
MUNICIPALITIES]

SECTION 2.07. Section 43.061(a), Local Government Code, is amended to read as follows:

(a) Unless otherwise specifically provided by this chapter or another law ~~[Except as provided by Subsection (b)]~~, this subchapter applies only to an annexation under:

- (1) Section 43.0115 (Enclave);
- (2) Section 43.0116 (Industrial District);
- (3) Section 43.012 (Area Owned by Type-A

Municipality);

- (4) Section 43.013 (Navigable Stream);
- (5) Section 43.0751(h) (Strategic Partnership);
- (6) Section 43.101 (Municipally Owned Reservoir);
- (7) Section 43.102 (Municipally Owned Airport); and
- (8) Section 43.1055 (Road and Right-of-Way). ~~[area that~~

~~is proposed for annexation by a tier 1 municipality and that is not required to be included in a municipal annexation plan under Section 43.052(h)].~~

SECTION 2.08. Section 43.062(b), Local Government Code, is amended to read as follows:

(b) This subsection applies only to an area that contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract ~~[described by Section 43.052(h) (1)]~~. Before the 30th day before the date of the first hearing required under Section 43.063, a municipality shall give written notice of its intent to annex the area to:

(1) each property owner in an area proposed for annexation, as indicated by the appraisal records furnished by the appraisal district for each county in which the area is located;

(2) each public entity~~[, as defined by Section 43.053,]~~ or private entity that provides services in the area proposed for annexation, including each:

(A) municipality, county, fire protection service provider, including a volunteer fire department, and emergency medical services provider, including a volunteer emergency medical services provider; and

(B) municipal utility district, water control and improvement district, or other district created under Section

52, Article III, or Section 59, Article XVI, Texas Constitution;
and

(3) each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation.

SECTION 2.09. Section 43.0715(c), Local Government Code, is amended to read as follows:

(c) At the time notice of the municipality's intent to annex the land within the district is first given in accordance with Section ~~[43.052,]~~ 43.0683~~[,]~~ or 43.0693, as applicable, the municipality shall proceed to initiate and complete a report for each developer conducted in accordance with the format approved by the Texas Commission on Environmental Quality for audits. In the event the municipality is unable to complete the report prior to the effective date of the annexation as a result of the developer's failure to provide information to the municipality which cannot be obtained from other sources, the municipality shall obtain from the district the estimated costs of each project previously undertaken by a developer which are eligible for reimbursement. The amount of such costs, as estimated by the district, shall be escrowed by the municipality for the benefit of the persons entitled to receive payment in an insured interest-bearing account with a financial institution authorized to do business in the state. To compensate the developer for the municipality's use of the infrastructure facilities pending the determination of the reimbursement amount, all interest accrued on the escrowed funds shall be paid to the developer whether or not the annexation is valid. Upon placement of the funds in the escrow account, the annexation may become effective. In the event a municipality timely escrows all estimated reimbursable amounts as required by this subsection and all such amounts, determined to be owed, including interest, are subsequently disbursed to the developer within five days of final determination in immediately available funds as required by this section, no penalties or interest shall accrue during the pendency of the escrow. Either the municipality or developer may, by written notice to the other party, require disputes regarding the amount owed under this section to be subject to nonbinding arbitration in accordance with the rules of the American Arbitration Association.

SECTION 2.10. Sections 43.0751(b) and (h), Local Government Code, are amended to read as follows:

(b) The governing bodies of a municipality and a district may negotiate and enter into a written strategic partnership agreement for the district by mutual consent. ~~[The governing body of a municipality, on written request from a district included in the municipality's annexation plan under Section 43.052, shall negotiate and enter into a written strategic partnership agreement with the district. A district included in a municipality's annexation plan under Section 43.052:~~

~~[(1) - - may not submit its written request before the date of the second hearing required under Section 43.0561; and~~

~~[(2) - - must submit its written request before the 61st day after the date of the second hearing required under Section 43.0561.]~~

(h) On the full-purpose annexation conversion date set forth in the strategic partnership agreement pursuant to Subsection (f) (5), the land included within the boundaries of the district shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the governing body of the municipality. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the district and the municipality. However, nothing herein shall prevent the municipality from terminating the agreement and instituting proceedings to annex the district, on request by the governing body of the district, on any date prior to the full-purpose annexation conversion date established by the strategic partnership agreement

under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality~~]. Land annexed for limited or full purposes under this section shall not be included in calculations prescribed by Section 43.055(a).

SECTION 2.11. Section 43.07515(a), Local Government Code, is amended to read as follows:

(a) A municipality may not regulate under Section 43.0751 [~~or 43.0752~~] the sale, use, storage, or transportation of fireworks outside of the municipality's boundaries.

SECTION 2.12. Section 43.101(c), Local Government Code, is amended to read as follows:

(c) A municipality may annex the [~~The~~] area described by this section [~~may be annexed~~] without the consent of any owners or residents of the area under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality by:~~

[~~(1) a tier 1 municipality; and~~

[~~(2)~~] if there are no owners other than the municipality or residents of the area[, ~~a tier 2 municipality~~].

SECTION 2.13. Section 43.102(c), Local Government Code, is amended to read as follows:

(c) A municipality may annex the [~~The~~] area described by this section [~~may be annexed~~] without the consent of any owners or residents of the area under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality by:~~

[~~(1) a tier 1 municipality; and~~

[~~(2)~~] if there are no owners other than the municipality or residents of the area[, ~~a tier 2 municipality~~].

SECTION 2.14. Section 43.1055, Local Government Code, is amended to read as follows:

Sec. 43.1055. ANNEXATION OF ROADS AND RIGHTS-OF-WAY [~~IN CERTAIN LARGE COUNTIES~~]. Notwithstanding any other law, a [~~tier 2~~] municipality may by ordinance annex a road or the right-of-way of a road on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality~~].

SECTION 2.15. Section 43.141(a), Local Government Code, is amended to read as follows:

(a) A majority of the qualified voters of an annexed area may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area:

(1) if the area was annexed under Subchapter C-1 [~~municipality is a tier 1 municipality~~], within the period specified by Section 43.056 or by the service plan prepared for the area under that section; or

(2) if the area was annexed under Subchapter C-3, C-4, or C-5 [~~municipality is a tier 2 municipality~~], within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable.

SECTION 2.16. Section 43.203(b), Local Government Code, is amended to read as follows:

(b) On receipt of the district's petition, the governing body of the municipality shall enter into negotiations with the district for an agreement to alter the status of annexation that must:

(1) specify the period, which may not be less than 10 years beginning on January 1 of the year following the date of the agreement, in which limited-purpose annexation is in effect;

(2) provide that, at the expiration of the period, the district's annexation status will automatically revert to full-purpose annexation without following procedures provided by Section [~~Sections~~] 43.014 [~~and 43.052 through 43.055~~] or any [~~other~~] procedural requirement for annexation not in effect on January 1, 1995; and

(3) specify the financial obligations of the district during and after the period of limited-purpose annexation for:

(A) facilities constructed by the municipality that are in or that serve the district;

(B) debt incurred by the district for water and sewer infrastructure that will be assumed by the municipality at the end of the period of limited-purpose annexation; and

(C) use of the municipal sales taxes collected by the municipality for facilities or services in the district.

SECTION 2.17. Section 43.905(a), Local Government Code, is amended to read as follows:

(a) A municipality that proposes to annex an area shall provide written notice of the proposed annexation to each public school district located in the area proposed for annexation within the period prescribed for providing the notice of, as applicable:

(1) the hearing under Section 43.0673; or

(2) the first hearing under Section [43.0561,] 43.063, [43.0673,] 43.0683, or 43.0693[~~, as applicable~~].

SECTION 2.18. Sections 43.9051(a) and (b), Local Government Code, are amended to read as follows:

(a) In this section, "public entity" includes a county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or special district described[~~, as that term is defined~~] by Section 43.062(b)(2)(B)[~~43.052~~].

(b) A municipality that proposes to annex an area shall provide to each public entity that is located in or provides services to the area proposed for annexation written notice of the proposed annexation within the period prescribed for providing the notice of, as applicable:

(1) the hearing under Section 43.0673; or

(2) the first hearing under Section [43.0561,] 43.063, [43.0673,] 43.0683, or 43.0693[~~, as applicable, to each public entity that is located in or provides services to the area proposed for annexation~~].

ARTICLE 3. HEARING REQUIREMENTS FOR CERTAIN CONSENT ANNEXATIONS

SECTION 3.01. Section 43.0673, Local Government Code, is amended to read as follows:

Sec. 43.0673. PUBLIC HEARING [~~HEARINGS~~]. (a) Before a municipality may adopt an ordinance annexing an area under this subchapter [~~section~~], the governing body of the municipality must conduct one [~~at least two~~] public hearing [~~hearings~~].

~~[(b) - - The hearings must be conducted not less than 10 business days apart.]~~

(c) During the [~~first~~] public hearing, the governing body:

(1) must provide persons interested in the annexation the opportunity to be heard; and

(2) [~~During the final public hearing, the governing body~~] may adopt an ordinance annexing the area.

(d) The municipality must post notice of the hearing [~~hearings~~] on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearing [~~hearings~~] in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for the [~~each~~] hearing must be:

(1) published at least once on or after the 20th day but before the 10th day before the date of the hearing; and

(2) [~~The notice for each hearing must be~~] posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.01. (a) Except as provided by Subsections (b) and (c) of this section, the changes in law made by this Act apply only to an annexation of an area that is not final on the effective date of this Act. An annexation of an area that was final before the effective date of this Act is governed by those portions of Chapter 43, Local Government Code, that relate to post-annexation

procedures and requirements in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes in law made by this Act do not apply to the annexation of an area for which the governing body of a municipality has adopted a resolution to direct the municipality's city manager to prepare a service plan for the area on or before the effective date of this Act. An annexation of an area for which the governing body adopted a resolution to direct the municipality's city manager to prepare a service plan for the area before the effective date of this Act is governed by Chapter 43, Local Government Code, as it existed on January 1, 2019.

(c) Until the fourth anniversary of the date that final judgment in an action described by this subsection is rendered, the changes in law made by this Act do not apply to an annexation of an area described by this subsection, and an annexation of an area described by this subsection is governed by Chapter 43, Local Government Code, as it existed on January 1, 2019. This subsection applies only to an area that is:

- (1) wholly located in a county that:
 - (A) borders the Gulf of Mexico; and
 - (B) contains an international border; and
- (2) proposed to be annexed by a municipality that is a named party in an action:
 - (A) involving issues of fact or law relating to the annexation; and
 - (B) commenced before January 1, 2019.

SECTION 4.02. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 347 was passed by the House on April 9, 2019, by the following vote: Yeas 133, Nays 14, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 347 on May 13, 2019, by the following vote: Yeas 131, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 347 was passed by the Senate, with amendments, on May 8, 2019, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____
Date

Governor

By: Phelan, Rodriguez, Collier, Schaefer

H.B. No. 2439

A BILL TO BE ENTITLED
AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

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

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN
GOVERNMENTAL ACTIONS
CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND
COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

.(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

.(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

.(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

.(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

.(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

.(c) This section does not apply to:

.(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

.(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

.(3) an ordinance or other regulation that:

.(A) regulates outdoor lighting for the purpose of reducing light pollution; and

.(B) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;

.(4) an ordinance or order that:

.(A) regulates outdoor lighting; and

.(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

.(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

.(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

.(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

.(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

.(7) a building located in an area designated as a historic district on the National Register of Historic Places;

.(8) a building designated as a Recorded Texas Historic Landmark;

.(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

.(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

.(11) a building located in a World Heritage Buffer Zone; and

.(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

.(d) A municipality that is not a municipality described by Subsection (c)(3)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

.(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

.(b) The court may grant appropriate relief.

.(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

.(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

AN ACT

relating to county and municipal approval procedure for land development applications.

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

SECTION 1. Section 212.001, Local Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

(3) "Plat" includes a preliminary plat, general plan, final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0085 to read as follows:

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 3. The heading to Section 212.009, Local Government Code, is amended to read as follows:

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL.

SECTION 4. Section 212.009, Local Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove ~~act on~~ a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is ~~considered~~ approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove ~~act on~~ the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is ~~considered~~ approved by the inaction of the commission. A plan or plat is ~~considered~~ approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section 212.0101, the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.

(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(2) the municipal authority or governing body, as applicable, approves the extension request.

(c) If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members ²²of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove ~~act on~~ a plan or plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 5. Subchapter A, Chapter 212, Local Government Code, is amended by adding Sections 212.0091, 212.0093, 212.0095, 212.0096, 212.0097, and 212.0099 to read as follows:

Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements under this subchapter; and

(B) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plan or plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091,

212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a plan or plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plan or plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 6. Section 212.014, Local Government Code, is amended to read as follows:

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted;
- (2) is approved~~[, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard,]~~ by the municipal authority responsible for approving plats; and
- (3) does not attempt to amend or remove any covenants or restrictions.

SECTION 7. Section 212.015, Local Government Code, is amended by adding Subsections (a-1), (f), and (g) and amending Subsection (b) to read as follows:

(a-1) If a proposed replat described by Subsection (a) requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.

(b) Notice of the hearing required under Subsection (a-1) ~~[Section 212.014]~~ shall be given before the 15th day before the date of the hearing by:

- (1) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
- (2) by written notice, with a copy of Subsection (c) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

(f) If a proposed replat described by Subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the

governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (b).

(g) The notice of a replat approval required by Subsection (f) must include:

(1) the zoning designation of the property after the replat; and

(2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

SECTION 8. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0023 to read as follows:

Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The plat application approval procedures under this subchapter apply to a county regardless of whether the county has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 9. The heading to Section 232.0025, Local Government Code, is amended to read as follows:

Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS AND PLANS.

SECTION 10. Section 232.0025, Local Government Code, is amended by amending Subsections (d), (f), (g), (h), and (i), and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (f), the commissioners court or the court's designee shall approve, approve with conditions, or disapprove ~~take final action on~~ a plat application~~[, including the resolution of all appeals,]~~ not later than the 30th ~~60th~~ day after the date the ~~a~~ completed ~~[plat]~~ application is received by the commissioners court or the court's designee. An application is approved by the commissioners court or the court's designee unless the application is disapproved within that period and in accordance with Section 232.0026.

(d-1) Notwithstanding Subsection (d), if a groundwater availability certification is required under Section 232.0032, the 30-day period described by that subsection begins on the date the applicant submits the groundwater availability certification to the commissioners court or the court's designee, as applicable.

(f) The 30-day ~~60-day~~ period under Subsection (d):

(1) may be extended for a ~~reasonable~~ period not to exceed 30 days, if:

(A) requested and agreed to in writing by the applicant and approved by the commissioners court or the court's designee; or

(B) [(-2) may be extended 60 additional days if] Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the ~~a~~ plat application; and

(2) [(-3)] applies only to a decision wholly within the control of the commissioners court or the court's designee.

(g) The commissioners court or the court's designee shall make the determination under Subsection (f)(1) ~~(-f)(2)~~ of whether the 30-day ~~60-day~~ period will be extended not later than the 20th day after the date a completed plat application is received by the commissioners court or the court's designee.

(h) The commissioners court or the court's designee may not require ~~compel~~ an applicant to waive the time limits or approval procedure contained in this subchapter ~~section~~.

(i) If the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application ~~take final action on the plat~~ as required by this subchapter ~~Subsection (d)~~:

(1) the commissioners court shall refund the greater of the unexpended portion of any ~~[plat]~~ application fee or deposit or 50 percent of an ~~a~~ ~~plat~~ application fee or deposit that has been paid;

(2) the ~~[plat]~~ application is granted by operation of law; and

(3) the applicant may apply to a district court in the

county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's [plat's] approval.

SECTION 11. Subchapter A, Chapter 232, Local Government Code, is amended by adding Sections 232.0026, 232.0027, 232.0028, 232.00285, and 232.0029 to read as follows:

Sec. 232.0026. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A commissioners court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of this subchapter; and

(B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A commissioners court or designee that receives a response under Section 232.0027 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under Section 232.0027.

(b) A commissioners court or designee that conditionally approves or disapproves a plat application following the submission of a response under Section 232.0027:

(1) must comply with Section 232.0026; and

(2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under Section 232.0026.

(c) A commissioners court or designee that receives a response under Section 232.0027 shall approve a previously conditionally approved or disapproved plat application if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plat application is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the commissioners court or designee that received the response does not disapprove the application on or before the date required by Subsection (a) and in accordance with Section 232.0026.

Sec. 232.00285. DEVELOPMENT PLAN REVIEW. (a) In this section, "development plan" includes a preliminary plat, preliminary subdivision plan, subdivision construction plan, site plan, general plan, land development application, or site development plan.

(b) Unless explicitly authorized by another law of this state, a county may not require a person to submit a development plan during the plat approval process required by this subchapter. If a county is authorized under another law of this state to require approval of a development plan, the county must comply with the

approval procedures under this subchapter during the approval process.

Sec. 232.0029. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plat application under this subchapter, the county has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 232.0025(e), Local Government Code, is repealed.

SECTION 13. The change in law made by this Act applies only to a plat application filed on or after the effective date of this Act. A development or plan application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 3167 was passed by the House on May 2, 2019, by the following vote: Yeas 119, Nays 18, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3167 was passed by the Senate on May 21, 2019, by the following vote: Yeas 27, Nays 3, 1 present, not voting.
.

Secretary of the Senate

APPROVED:

Date

Governor

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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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: July 15, 2019

SUBJECT: Amendment to Article IX, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances

The City's fence standards are located in Article IX, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances. Staff is requesting that the City Council consider moving this section to Article VIII, *Landscape Standards*, of the Unified Development Code (UDC) for the purpose of [1] bringing the fence standards under the zoning ordinance, [2] better distinguishing the standards between residential, commercial, and industrial fences, and [3] changing the process for residential front yard fences. By making the proposed changes all variances or exceptions to the fence standards would be able to be acted upon by the Planning and Zoning Commission with the City Council acting as an appeals board. This is similar to how the City currently handles variances and exceptions to the City's *General Residential, Commercial and Industrial Design Standards*. If the City Council chooses to direct staff to make the proposed changes, this amendment could be combined with the amendments necessary to address the changes resulting from the 86th Legislative Session. Staff has included a copy of the City's current fence requirements, and will be available at the work session on July 15, 2019 to answer any questions.

ARTICLE XI, FENCES, CHAPTER 10, BUILDING AND BUILDING REGULATIONS, MUNICIPAL CODE OF ORDINANCES

DIVISION 1: GENERALLY

SECTION 10-402: DEFINITIONS

For the purposes of this article, the term "fence" means any wall or structure of any material, the purpose of which is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building or structure.

(Ord. No. 04-05, § 1(6-124), 1-20-2004)

SECTION 10-403: PERMIT REQUIRED; APPLICATIONS; FEES

No fence shall be constructed within the city without the owner or person in control of such premises, or his agent or contractor, having secured a permit therefor from the building official or his designee. A fence repair permit shall be required for the replacement of 25 linear feet or more of fencing and/or the replacement of five or more posts. When five or more posts are replaced, replacement posts must be metal posts. Applications shall be made and a permit issued on forms promulgated by the code official for such purpose. The fees for such permits shall be in amounts as established from time to time by resolution of the city council.

(Ord. No. 04-05, § 1(6-125), 1-20-2004)

SECTION 10-404: EXCEPTIONS

The following shall be exceptions to the terms of this article:

- (1) Dikes and retaining walls for the purpose of diverting water and retaining soil shall not be considered fences within the terms of this article.
- (2) Fences existing and in place at the time of the enactment of the ordinance from which this article is derived shall be excused from the permit provisions hereof. However, such fences shall be maintained to comply with the provisions hereof. Any such fence or any fence in an area annexed by the city after the effective date of the ordinance from which this article is derived shall be subject to the provisions of this article in the event of reconstruction, modification, enlargement, extension, alteration or any construction thereto other than normal maintenance thereof.

(Ord. No. 04-05, § 1(6-132), 1-20-2004)

SECTIONS 10-405—10-423: RESERVED

DIVISION 2: CONSTRUCTION STANDARDS

SECTION 10-424: SPECIAL PERMIT FOR REQUIRED FRONT YARD

- (a) No fence shall be constructed in the required front yard of a residential property or of a tract or parcel of land adjacent to I-30 without first being granted a special permit by the city council. The city council may authorize the issuance of a special permit for the construction of a front yard fence subject to the provisions of this division. The city council, in considering and determining action on any request for a special permit, may require from the applicant plans, drawings, and other information concerning the proposed front yard fence. The city council may establish conditions of construction of any fence for which a special permit is authorized. However, no front yard fence proposed in a residential subdivision may be constructed without complying with any approved active deed restrictions for the subdivision.

- (1) No fence shall be placed in the required front yard of a residential property in excess of 42 inches in height and constructed of wood or 48 inches in height and constructed of wrought iron, or in a non-residentially zoned area in excess of eight feet in height and shall be constructed of wrought iron. No opaque fences will be allowed in the required front yard.

(b) Exceptions.

- (1) Model homes meeting the requirements as follows:

- a. The maximum height of front yard fence is not to exceed 42 inches.
- b. No opaque fences allowed in the front yard, fences must be 50 percent see-through.
- c. The fence must be architecturally harmonious with the development and of split rail, picket, vinyl, or wrought iron.
- d. These fences are only temporary and must be removed, or city council approval sought at such time permanent residency will be established.

- (2) Single-Family—Estate (SF-E) meeting the requirements as follows:

- a. No opaque fences allowed in the front yard, fences must be 50 percent see-through.
- b. Front yard fences shall be no more than 48 inches in height.
- c. Front yard fences shall be architecturally harmonious with the development, and of split rail, picket, vinyl, wrought iron or painted steel pipe.

(Ord. No. 04-05, § 1(6-126), 1-20-2004; Ord. No. 06-10, § 1(6-126), 3-20-2006; Ord. No. 11-23, § 1, 6-6-2011; Ord. No. 17-15, § 1, 3-20-2017)

SECTION 10-425: STANDARDS; SPECIFICATIONS; PROHIBITIONS

The following regulations shall apply to the construction of fences within the city, except for additional standards or requirements referenced in article V and article X of the Unified Development Code:

- (1) No fence, guy wire, brace, light standard, sign, vee arm barbed wire base and arm, or any structure attached to a fence shall protrude over any property line.
- (2) No chainlink fence shall be allowed within ten feet of the property lines unless completely screened from adjacent public areas and properties by either structure or solid landscape screening.
- (3) Precast solid fencing shall require special approval by the planning and zoning commission.
- (4) Fence height requirements. All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard.
 - a. No residential fence shall exceed eight feet in height.
 - b. No nonresidential fence shall exceed 12 feet in height.
- (5) Fences may be placed in the required yards, as regulated in this article, and meeting the following conditions:
 - a. Corner lots in residentially zoned areas which have rear lot lines adjacent to alleys, or other rear lot lines. Fences may be constructed not to exceed eight feet in height along the side yard and rear yard lines as indicated on appendix B, attached to the ordinance from which this section is derived.
 - b. Corner lots in residentially zoned areas where the rear lot line is adjacent to a side lot line of an adjoining lot. Only fences not exceeding 42 inches in height and meeting the material requirements of a front yard fence in residentially zoned areas shall be constructed beyond the side building line

as indicated on appendix C, attached to the ordinance from which this section is derived. Fences constructed on or behind the building line shall not exceed eight feet in height.

- c. Where an alley 15 feet or greater in width intervenes between the above-described lots, or a natural barrier of 15 feet or greater in width exists, such as creeks, railroads or easements where fences are prohibited, a fence not exceeding eight feet in height may be erected on the street side of the property line, indicated on appendix D, attached to the ordinance from which this section is derived.
 - d. Through lots in residentially zoned areas with street frontage on both the front and rear property line. Fences may be constructed not to exceed eight feet in height along the side yard and rear yard lines on through lots where all lots within the block have a rear yard along the same street frontage, as indicated on appendix E - Example 1, attached to the ordinance from which this section is derived.
 - e. When both front and rear yards are located along the same street frontage within a block, fences constructed within the designated rear yard shall not exceed 42 inches in height and shall meet the material requirements of a front yard fence in residentially zoned areas, as indicated on appendix E, Example 2, attached to the ordinance from which this section is derived, unless a variance to this request is granted by the zoning board of adjustment, as provided in section 10-447.
- (6) Fences may be constructed of materials subject to the provisions of this article and the other codes and ordinances of the city.
- a. Permitted materials are wood pickets, chain link, wrought iron, decorative metal (i.e. with the appearance of wrought iron but is made from powder-coated steel, aluminum or covered with a corrosion protection finish), brick, split face CMU blocks, stone, vinyl, fiberglass composite, painted steel pipe where allowed, barbed wire where allowed, concrete with stone face/form liner. Stucco is allowed on residential properties.
 - b. Any other materials that are not manufactured specifically as fencing materials are prohibited.
- (7) Solid wood fencing exceeding 48 inches in height must be constructed using metal post set in concrete, or brick or stone columns.
- (8) It shall be unlawful for any person to construct or maintain any electrical fence or electrical attachment of any type, dimension, or composition on any fence within the city. Barbed wire fences may be used without restrictions when in conjunction with agricultural related uses; provided, however, no barbed wire fence shall be located on any platted property that is zoned or used as a residential property. In areas where barbed wire fences are allowed, arms or base and arms with barbed wire not to exceed three strands will be permitted. Concertina/razor wire shall be prohibited. Such attachments will be considered part of the fence for the purposes of determining the maximum height of said fence.
- (9) The code official may permit temporary fencing for the purpose of protection or securing of construction sites. The duration of use must be stated in the application for a permit. Barbed wire fences may be allowed for temporary use upon approval of the location, height, and construction by the building official.

(Ord. No. 04-05, § 1(6-127), 1-20-2004; Ord. No. 06-10, § 1(6-127), 3-20-2006; Ord. No. 11-23, § 1, 6-6-2011; Ord. No. 17-15, § 1, 3-20-2017)

SECTION 10-426: SWIMMING POOL, SPA AND HOT TUB/BARRIER REQUIREMENTS

- (a) The top of the barrier shall be at least 48 inches (1,219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).

- (b) Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.
- (c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (d) Placement of members.
 - (1) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1,143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 - (2) Exception. Boards with a minimum 60-degree angle, cut and placed at the top of the horizontal fence members, may be used on existing fences that will become pool barriers. This exception does not apply to fences adjacent to public right-of-way.
- (e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1,143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
- (f) Maximum mesh size for chainlink fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom, which reduce the openings to not more than 1.75 inches (44 mm).
- (g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
- (h) Access gates shall comply with the requirements of subsections (a) through (g) of this section, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - (1) The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate; and
 - (2) The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- (i) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - (1) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346;
 - (2) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within seven seconds and sound continuously for a minimum of 30 seconds immediately after the door and/or its screen, if present are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch shall be located at least 54 inches (1,372 mm) above the threshold of the door; or
 - (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the city council, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by subsection (i)(1) or (i)(2) of this section.

(j) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:

- (1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
- (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of subsections (a) through (i) of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter (102 mm) sphere.

(k) Fence barrier exceptions for spas or hot tubs are as follows:

- (1) Safety covers for spas and hot tubs must comply with ASTM F1346-91.
- (2) There should be a means of fastening the safety cover to the hot tub or spa, such as key locks, combination locks, special tool, or similar devices.
- (3) The safety cover should have a label that provides a warning and message regarding the risk of drowning.
- (4) The cover should have been tested to demonstrate that it is capable of supporting the weight of one child (50 pounds) and one adult (225 pounds).
- (5) There shall be no openings in the cover itself or at any point where the cover joins the surface of the hot tub or spa that would not allow a four-inch sphere to pass through.
- (6) Safety covers are to be installed in accordance with the manufacture's instructions.

(Ord. No. 04-05, § 1(6-128), 1-20-2004; Ord. No. 06-10, § 1(6-128), 3-20-2006; Ord. No. 08-03, § 1(exh. A, art. IX(6-129)), 1-22-2008)

SECTIONS 10-427—10-445: RESERVED

DIVISION 3. - ADMINISTRATION

SECTION 10-446: INSPECTION UPON COMPLETION

Upon completion of a fence constructed under a permit issued by the building official, an inspection shall be made thereof by the building official or his designated representative. If the fence is constructed in accordance with the provisions of this article, the permit, and the application, the building official will issue written notice of acceptance to the permit holder. Any and all fences in the city shall hereafter be constructed under the provisions of this article and existing fences shall be maintained so as to comply with the requirements of this article at all times.

(Ord. No. 04-05, § 1(6-130), 1-20-2004)

SECTION 10-447: VARIANCES

The city council is hereby authorized, after public notice has been given and a public hearing has been held, to hear and decide on requests for variances as it feels will alleviate an unnecessary hardship on a property owner resulting from the literal enforcement of the requirements in this article.

(Ord. No. 17-15, § 1, 3-20-2017)

Editor's note— Ord. No. 17-15, § 1, adopted March 20, 2017, amended the Code by repealing former § 10-447 and adding a new § 10-447. Former § 10-447 pertained to appeals, and derived from Ord. No. 04-05, adopted January 20, 2004.

SECTION 10-448: MAINTENANCE

- (a) No person owning, leasing, occupying, or having charge of any premises shall maintain or keep a fence in dilapidated condition that, although functional, creates an unsightly condition that substantially detracts from the appearance of the neighborhood.
- (b) Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns, or other structural members.
- (c) The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence. Except, however, for fencing four (4) feet or less in height, the vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
- (d) Upon becoming aware of conditions set forth in subsections (a) through (c) of this section, the Neighborhood Improvement Services Representative shall make a determination as to whether the fence condition is a nuisance and should be abated. If so, the Neighborhood Improvement Services Representative shall give notice to such person having control of the premises to remedy such condition within ten days, unless good cause can be shown that additional time is needed to rectify the condition.

(Ord. No. 04-05, § 1(6-133), 1-20-2004; Ord. No. 17-15, § 1, 3-20-2017)

SECTIONS 10-449—10-465: RESERVED

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ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 01, 2019 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. with all council members present (Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen). Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall Municipal Airport, Downtown, IH-30 service Rd. @ T.L. Townsend, and The Harbor as well as city owned land at Fire Station No. 2 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:33 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:02p.m. with all seven council members being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Macalik made a motion that the city accept TXDOT's offer for the right-of-way near the IH-30 service road at T.L. Townsend. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present.

Mayor Pro Tem Macalik moved to decline TXDOT's offer for the sale of land near downtown, more specifically at 501 N. Goliad. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

41
42 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

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

44 **VII. OPEN FORUM**

45 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and**
46 **speak at this time. There being no one indicating such, he then closed Open Forum.**
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48 **VIII. CONSENT AGENDA**

- 49 1. Consider approval of the minutes from the June 17, 2019 regular city council meeting, and take
50 any action necessary.
- 51 2. **2019-012** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-
52 Liang Wu of Unison Investment for the approval of an **ordinance** for a zoning change from an
53 Agricultural (AG) District to a Planned Development District for Single Family-1 (SF-1) District
54 land uses on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract
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56 the west side of Stodghill Road [FM-3549] north of the intersection of Stodghill Road [FM-3549]
57 and Cornelius Road, and take any action necessary **(2nd Reading)**.
- 58 3. **2019-013** - Consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf
59 of Dan Bobst of J-BR2, LLC for the approval of an **ordinance** for a PD Development Plan within
60 Planned Development District 32 (PD-32), on a 2.893-acre parcel of land identified as Lot 1,
61 Block B, Harbor District Addition, City of Rockwall, Rockwall County, Texas, situated within the
62 Hillside Sub-District of Planned Development District 32 (PD-32), located within the IH-30
63 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of the IH-30
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- 65 4. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 18. Fire Prevention
66 and Protection, Article III. Fire Marshal, Sections 18-66 and 18-67, authorizing the Fire Chief to
67 appoint the Fire Marshal, and take any action necessary **(1st reading)**.
- 68 5. Consider approval of a contract for professional engineering services with Birkhoff, Hendricks
69 and Carter, L.L.P. to perform the engineering design services for the East Fork Sanitary Sewer
70 Aerial Crossing Rehabilitation Project in an amount not to exceed \$52,100.00, to be paid for out
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9. **MIS2019-008** - Consider a request by Matthew Mulliken of Mulliken Construction Management, LLC on behalf of Jim Vaudagna of Dallas East for the approval of a parking agreement between two (2) properties identified as Lot 1, Block B & Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1280 & 1300 E. Ralph Hall Parkway, and take any action necessary.

Councilmember Johannesen moved to approve the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Hohenshelt seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 19-26**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD-87) FOR SINGLE FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 62.45-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 14-51 & 17-22* OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR RETAIL/RESTAURANT PAD SITES ON A 2.893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

133
134 **IX. APPOINTMENT ITEMS**

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

137
138 **This item was not addressed by Council / no action was taken.**
139

140 **X. PUBLIC HEARING ITEMS**

- 141 1. **MIS2019-003** - Hold a public hearing to discuss and consider a request by Jose Carmona Lopez
142 for the approval of an On-Site Sewage Facility (OSSF) on a 0.33-acre tract of land identified as
143 Lots 1325 & 1326, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall,
144 Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-
145 7) District land uses, addressed as 424 Nicole Drive, and take any action necessary.

146 **Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He**
147 **explained that this property is located on the east side of the Lake Rockwall Estates subdivision along**
148 **Nichol Drive. This street is not currently served by city wastewater service, and it is difficult to extend**
149 **city service to this property. Notices were sent out to all property owners and residents located within**
150 **200'; however, no notices have been received back by staff.**

151 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.**
152 **There being no one indicating such, he then closed the public hearing.**

153 **Councilmember Trowbridge moved to deny this request. Mayor Pro Tem Macalik seconded the motion.**

154 **Lengthy discussion then took place among council members, generally related to the following: city**
155 **wastewater services, any possible alternatives to this onsite sewage facility, and inspection of septic**
156 **systems within the city (by Rockwall County, the entity that performs inspection services on behalf of the**
157 **city). Mr. Crowley, City Manager, indicated that the county has expressed it will not inspect OSSFs on**
158 **single lots; however, the County has routinely agreed to do inspections on septic systems within the city**
159 **when they are installed to service more than one lot, specifically (and especially) in Lake Rockwall Estates.**
160 **Councilmember Daniels sought clarification regarding if this is or is not an aerobic system. Mr. Miller**
161 **shared that staff is uncertain, as the applicant has not submitted an engineer's report to the city (and is**
162 **not required to do so until during the permitting stage). Lengthy discussion ensued among Council and**
163 **staff pertaining to whether or not a lot of this size (so small) and with the soil type can accommodate a**
164 **septic system. Indication was given that a septic system has to be stamped and sealed by a professional**
165 **engineer. Councilmember Daniels expressed that he may like to see the Council table action on this item**
166 **until staff has time to gather additional information and return to Council with a more professional**
167 **opinion regarding if a septic system is or is not appropriate on these two lots (i.e. can the small size**
168 **accommodate septic? Is the soil conducive to accommodating a septic system?, etc.). Councilmember**
169 **Trowbridge generally expressed concern about approving this request, as he seemed to prefer that city**
170 **wastewater be utilized instead of septic.**

Councilmember Trowbridge withdrew his motion, and Macalik withdrew her 'second.' Councilmember Hohehshelt then moved to approve MIS2019-003. Councilmember Fowler seconded the motion, which passed by a vote of 4 ayes with 3 nays (Trowbridge, Macalik and Pruitt).

XI. ACTION ITEMS

1. **MIS2019-005** - Discuss and consider a request by Michael Duval of G & A Consultants on behalf of John Delin of R. W. Ladera, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement for a 28.011-acre parcel of land identified as a Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Mr. Miller explained that this would be a gated, age-restricted community. He went on to explain the tree mitigation that is required, indicating that the applicant has expressed there is no space on site for additional installation of trees. This request went to the Planning & Zoning Commission, and a 5-2 vote effectively resulted in its denial.

John Delin of Integrity Group / R.W. Ladera came forth and provided comments pertaining to this request. Following extensive, lengthy discussion, Mayor Pruitt moved to settle the tree mitigation with a check to the City for \$50,000. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a proposal from American Signal Corporation in the amount of \$117,693.28 for replacement of three outdoor emergency warning sirens, hardware, and software to be funded by general fund reserves, and take any action necessary.

Assistant City Manager Joey Boyd provided background information pertaining to this agenda item. Councilmember Hohenshelt then moved to approve the proposal in the amount specified (above). Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports

Building Inspections Monthly Report - May 2019
Fire Department Monthly Report - May 2019
GIS Division Monthly Report - May 2019
Harbor PD Monthly Report - May 2019
Internal Operations Monthly Report - May 2019
Recreation Monthly Report - May 2019
Rockwall Animal Adoption Center Monthly Report - May 2019
Police Department Monthly Activity Report - May 2019
STAR Transit Monthly Report - May 2019

215 STAR Transit 3rd Quarter Report

216 **2. City Manager's Report**

217 City Manager Rick Crowley shared brief details about the upcoming 4th of July festivities. There will be a
218 parade, fireworks and a parachute jump at Harry Myers Park. The new household hazardous waste
219 program has been implemented and is going very well so far with city residents.

220
221 Mayor Pruitt shared that he will be out on vacation and will not be holding Monday afternoon office
222 hours for the next two, upcoming Mondays. In addition, he shared that the Council has decided to not
223 move forward with purchasing land adjacent to the airport. He asked staff to bring back an ordinance
224 that regulates 'thru-the-fence' agreements and how those comply with law and TXDOT regulations.

225

226 **XIII. EXECUTIVE SESSION**

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

229 1. Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall
230 Municipal Airport, Downtown, IH-30 service Rd. @ T.L. Townsend, and The Harbor as well as
231 city owned land at Fire Station No. 2 pursuant to Section §551.072 (Real Property) and Section
232 §551.071 (Consultation with Attorney).

233 2. Discussion regarding legal advice associated with homeowners association (HOA) regulations
234 within the city pursuant to Section 551.071 (Consultation with Attorney).

235 3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
236 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
237 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

238

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

240 Council did not reconvene into Executive Session following the close of the public meeting agenda. See
241 actions taken at the start of the 6:00 p.m. meeting, as noted above.

242

243 **XV. ADJOURNMENT**

244 Mayor Pruitt adjourned the meeting at 6:54 p.m.

245

246

247 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF JULY,
248 2019.

249

250

251 ATTEST:

JIM PRUITT, MAYOR

252

253

254 _____
KRISTY COLE, CITY SECRETARY

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 01, 2019 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. with all council members present (Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen). Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

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III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:33 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:02p.m. with all seven council members being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Macalik made a motion that the city accept TXDOT's offer for the right-of-way near the IH-30 service road at T.L. Townsend. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present.

Mayor Pro Tem Macalik moved to decline TXDOT's offer for the sale of land near downtown, more specifically at 501 N. Goliad. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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42 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

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

44 **VII. OPEN FORUM**

45 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and**
46 **speak at this time. There being no one indicating such, he then closed Open Forum.**
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48 **VIII. CONSENT AGENDA**

- 49 **1. Consider approval of the minutes from the June 17, 2019 regular city council meeting, and take**
50 **any action necessary.**
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52 **Liang Wu of Unison Investment for the approval of an ordinance for a zoning change from an**
53 **Agricultural (AG) District to a Planned Development District for Single Family-1 (SF-1) District**
54 **land uses on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract**
55 **No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on**
56 **the west side of Stodghill Road [FM-3549] north of the intersection of Stodghill Road [FM-3549]**
57 **and Cornelius Road, and take any action necessary (2nd Reading).**
- 58 **3. Z2019-013 - Consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf**
59 **of Dan Bobst of J-BR2, LLC for the approval of an ordinance for a PD Development Plan within**
60 **Planned Development District 32 (PD-32), on a 2.893-acre parcel of land identified as Lot 1,**
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62 **Hillside Sub-District of Planned Development District 32 (PD-32), located within the IH-30**
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64 **frontage road and Sunset Ridge Drive, and take any action necessary (2nd Reading).**
- 65 **4. Consider approval of an ordinance amending the Code of Ordinances in Ch. 18. Fire Prevention**
66 **and Protection, Article III. Fire Marshal, Sections 18-66 and 18-67, authorizing the Fire Chief to**
67 **appoint the Fire Marshal, and take any action necessary (1st reading).**
- 68 **5. Consider approval of a contract for professional engineering services with Birkhoff, Hendricks**
69 **and Carter, L.L.P. to perform the engineering design services for the East Fork Sanitary Sewer**
70 **Aerial Crossing Rehabilitation Project in an amount not to exceed \$52,100.00, to be paid for out**
71 **of 2018-2019 Water and Sanitary Sewer Budget, and take any action necessary.**
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74 **Street Water and Wastewater Replacement Project in an amount not to exceed \$76,000.00, to**
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2, Block A, Channell Subdivision Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1700 John King Boulevard, and take any action necessary.

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Councilmember Johannesen moved to approve the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Hohenshelt seconded the motion. The ordinance captions were read as follows:

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

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- 141 1. **MIS2019-003** - Hold a public hearing to discuss and consider a request by Jose Carmona Lopez
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144 Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-
145 7) District land uses, addressed as 424 Nicole Drive, and take any action necessary.

146 **Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He**
147 **explained that this property is located on the east side of the Lake Rockwall Estates subdivision along**
148 **Nichol Drive. This street is not currently served by city wastewater service, and it is difficult to extend**
149 **city service to this property. Notices were sent out to all property owners and residents located within**
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156 **systems within the city (by Rockwall County, the entity that performs inspection services on behalf of the**
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168 **accommodate septic? Is the soil conducive to accommodating a septic system?, etc.). Councilmember**
169 **Trowbridge generally expressed concern about approving this request, as he seemed to prefer that city**
170 **wastewater be utilized instead of septic.**

Councilmember Trowbridge withdrew his motion, and Macalik withdrew her 'second.' Councilmember Hohehshelt then moved to approve MIS2019-003. Councilmember Fowler seconded the motion, which passed by a vote of 4 ayes with 3 nays (Trowbridge, Macalik and Pruitt).

XI. ACTION ITEMS

1. **MIS2019-005** - Discuss and consider a request by Michael Duval of G & A Consultants on behalf of John Delin of R. W. Ladera, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement for a 28.011-acre parcel of land identified as a Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Mr. Miller explained that this would be a gated, age-restricted community. He went on to explain the tree mitigation that is required, indicating that the applicant has expressed there is no space on site for additional installation of trees. This request went to the Planning & Zoning Commission, and a 5-2 vote effectively resulted in its denial.

John Delin of Integrity Group / R.W. Ladera came forth and provided comments pertaining to this request. Following extensive, lengthy discussion, Mayor Pruitt moved to settle the tree mitigation with a check to the City for \$50,000. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a proposal from American Signal Corporation in the amount of \$117,693.28 for replacement of three outdoor emergency warning sirens, hardware, and software to be funded by general fund reserves, and take any action necessary.

Assistant City Manager Joey Boyd provided background information pertaining to this agenda item. Councilmember Hohenshelt then moved to approve the proposal in the amount specified (above). Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports

Building Inspections Monthly Report - May 2019
Fire Department Monthly Report - May 2019
GIS Division Monthly Report - May 2019
Harbor PD Monthly Report - May 2019
Internal Operations Monthly Report - May 2019
Recreation Monthly Report - May 2019
Rockwall Animal Adoption Center Monthly Report - May 2019
Police Department Monthly Activity Report - May 2019
STAR Transit Monthly Report - May 2019

215 STAR Transit 3rd Quarter Report

216 **2. City Manager's Report**

217 City Manager Rick Crowley shared brief details about the upcoming 4th of July festivities. There will be a
218 parade, fireworks and a parachute jump at Harry Myers Park. The new household hazardous waste
219 program has been implemented and is going very well so far with city residents.

220
221 Mayor Pruitt shared that he will be out on vacation and will not be holding Monday afternoon office
222 hours for the next two, upcoming Mondays. In addition, he shared that the Council has decided to not
223 move forward with purchasing land adjacent to the airport. He asked staff to bring back an ordinance
224 that regulates 'thru-the-fence' agreements and how those comply with law and TXDOT regulations.

225

226 **XIII. EXECUTIVE SESSION**

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

229 1. Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall
230 Municipal Airport, Downtown, IH-30 service Rd. @ T.L. Townsend, and The Harbor as well as
231 city owned land at Fire Station No. 2 pursuant to Section §551.072 (Real Property) and Section
232 §551.071 (Consultation with Attorney).

233 2. Discussion regarding legal advice associated with homeowners association (HOA) regulations
234 within the city pursuant to Section 551.071 (Consultation with Attorney).

235 3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
236 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
237 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

238

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

240 Council did not reconvene into Executive Session following the close of the public meeting agenda. See
241 actions taken at the start of the 6:00 p.m. meeting, as noted above.

242

243 **XV. ADJOURNMENT**

244 Mayor Pruitt adjourned the meeting at 6:54 p.m.

245

246

247 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF JULY,
248 2019.

249

250

251 ATTEST:

JIM PRUITT, MAYOR

252

253

254 _____
KRISTY COLE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 19-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 18. FIRE PREVENTION AND PROTECTION, ARTICLE III. FIRE MARSHAL, SECTIONS 18-66 AND 18-67, AUTHORIZING THE FIRE CHIEF TO APPOINT THE FIRE MARSHALL FOR THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall (the "City") is a Home Rule City and by State law and City Charter is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, based on review and current needs of the City, the City Council finds that the position of Fire Marshall shall be hired by the Fire Chief and report to the Fire Chief;

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

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. AMENDMENT. Chapter 18, Article III, Sections 18-66 and 18-67 are hereby amended and should read as follows:

ARTICLE III. - FIRE MARSHAL

Sec. 18-66. - Appointment; removal.

The fire marshal shall be appointed by the fire chief ~~City Manager~~ of the city. The fire marshal shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority ~~City Manager~~.

Sec. 18-67. - Duties and functions.

The function of the fire marshal and fire prevention department shall be the implementation, administration and enforcement of the provisions of the fire code. The fire marshal shall carry out those duties as contained in the fire code, as adopted by section 18-32 including, but not limited to, and as directed by the fire chief. ~~City Manager or designee~~.

SECTION 3. The remainder of Chapter 18, Article III "FIRE MARSHALL" composed of Sections 18-65 to 18-96 shall remain unchanged.

SECTION 4. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 6. SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its second reading, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 15th DAY OF JULY, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

1st Reading: 07/01/2019

2nd Reading: 07/15/2019

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager

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

DATE: July 11, 2019

SUBJECT: Revision to the Water Resource and Emergency Management Plan

The Texas Commission on Environmental Quality (TCEQ) requires every water provider to revise and submit a Water Resource and Emergency Management Plan every five years for review. Council recently approved the revisions to the Water Resource and Emergency Management Plan on the 15th day of April 2019.

Staff submitted the approved plan for review to the TCEQ on April 30, 2019. After review, the TCEQ noted that the City's plan must include provisions that every wholesale water contract entered into or renewed after the adoption of the plan, including contract extensions, that in the event of severe water shortage that the water shall be divided in accordance with Texas Water Code, §11.039. These measures include pro rata curtailment of water deliveries to or diversions by wholesale water customers that are included in the current contracts with the City's wholesale customers. Section 4.4 was added to the current approved plan to comply with TCEQ's requirement.

Staff is requesting City Council consider approving the revision to the currently adopted Drought Contingency and Water Emergency Response Plan to keep the City in compliance with TCEQ requirements, and take any action necessary.

AW:jw

Cc:

Mary Smith, Assistant City Manager
Joey Boyd, Assistant City Manager
Jeremy White, P.E., CFM, Civil Engineer
File

CITY OF ROCKWALL

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. "UTILITIES;" ARTICLE V. "WATER;" DIVISION 7. "WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN;" SEC. 44-432 TO ADOPT AN UPDATED PLAN TO ENSURE COMPLIANCE WITH CERTAIN REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 15, 2019 the Rockwall City Council established a "Water Resource and Emergency Management Plan" through adoption of Ordinance No. 19-17 and its associated "Exhibit A;" and

WHEREAS, subsequent its adoption and submission to the Texas Commission on Environmental Quality (TCEQ), the City of Rockwall was informed by TCEQ that some additional verbiage related to "Procedures for Curtailment of Water Supplies" is required to be part of said plan; and

WHEREAS, the Rockwall City Council has therefore determined a necessity to repeal the previously adopted plan ("Exhibit A" of Ordinance No. 19-17) in order to adopt an updated plan to reflect said, required verbiage.

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

SECTION 1. The Code of Ordinances in Chapter 44. "Utilities," Article V. "Water," Division 7. "Water Resource and Emergency Management Plan" is hereby amended to adopt an updated plan as reflected in "**Exhibit A**" of this ordinance; and

SECTION 2. PLAN ADOPTED

Sec.44-432

- (a)** The city council hereby approves and adopts the City of Rockwall "Water Resource and Emergency Management Plan," attached to Ordinance No. 19- as "Exhibit A," which is incorporated as if fully set forth in this division and on file in the city secretary's office.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 4. 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 5. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

SECTION 6. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Texas Commission on Environmental Quality in accordance with Title 30, Chapter 288 of the Texas Administrative Code, and said Plan meets all the requirements of Section 288.2 of the Texas Administrative Code;

SECTION 7. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance or as herein specified.

SECTION 8. This ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5TH DAY OF AUGUST, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: 07 / 15 / 2019

2nd Reading: 08 / 05 / 2019

WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN



City of Rockwall
The New Horizon

MAY 2019

FORWARD

This 2019 Model Water Resource and Emergency Management Plan (WREMP) which is an update to the 2014 Drought Contingency and Water Emergency Response Plan was prepared by Freese and Nichols for the North Texas Municipal Water District (NTMWD). It is intended to be used by NTMWD Member Cities and Customers as a guide as they develop their own Water Resource and Emergency Management Plans. This plan was prepared pursuant to Texas Commission on Environmental Quality rules. Some material is based on the existing drought contingency plans listed in Appendix A.

Questions regarding this drought contingency and water emergency response plan should be addressed to the following:

Jeremy Rice
Freese and Nichols, Inc.
(817) 735-7300
jjr@freese.com

Denise Hickey
North Texas Municipal
Water District
(972) 442-5405
dhickey@ntmwd.com

This Model WREMP plan is based on the Texas Administrative Code in effect on January 18, 2019.

EXHIBIT A TABLE OF CONTENTS

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APPENDICES

APPENDIX A	List of References
APPENDIX B	Texas Commission on Environmental Quality Rules on Drought Contingency Plans <ul style="list-style-type: none">• Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers
APPENDIX C	Letter to Region C Water Planning Group

1. INTRODUCTION AND OBJECTIVES

This document has been prepared as a Model Water Resource and Emergency Management Plan (WREMP), intended to be available for use by North Texas Municipal Water District (NTMWD) Member Cities and Customer Cities as they develop their own plans. This model plan addresses all of the current TCEQ requirements for a drought contingency plan.

¹ This plan will replace the plans dated August 2004, April 2006, March 2008, and April 2014.

The measures included in this Model WREMP are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Model Water Conservation Plan for North Texas Municipal Water District Member Cities and Customer Cities*.²

- The purpose of this Model WREMP plan is as follows:
- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions

The NTMWD supplies treated water to its Member Cities and Customer Cities. This model plan was developed by NTMWD in consultation with its Member Cities. In order to adopt this model plan, each NTMWD Member City and Customer City will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The model plan calls for Member Cities and Customer Cities to adopt Water Resource Stages initiated by NTMWD during a drought or water supply emergency. Member Cities and Customer Cities may also adopt more stringent drought or water emergency response stages than NTMWD if conditions warrant.

In the absence of drought response measures, water demands tend to increase during drought due to increased outdoor irrigation. The severity of the drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. NTMWD considers a drought to end when all of the NTMWD's supply reservoirs refill to conservation storage pool levels.

¹ Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS AND ABBREVIATIONS

1. **AQUATIC LIFE** means a vertebrate organism dependent upon an aquatic environment to sustain its life.
2. **ATHLETIC FIELD** means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools; professional sports and league play sanctioned by the utility providing retail water supply.
3. **COMMERCIAL FACILITY** means business or industrial buildings and the associated landscaping, but does not include the fairways, greens, or tees of a golf course.
4. **COMMERCIAL VEHICLE WASH FACILITY** means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.
5. **CUSTOMERS** include those entities to which NTMWD provides wholesale water that are not Member Cities of NTMWD.
6. **DESIGNATED OUTDOOR WATER USE DAY** means a day prescribed by rule on which a person is permitted to irrigate outdoors.
7. **DRIP IRRIGATION** is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.
8. **DROUGHT**, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted.
9. **EVAPOTRANSPIRATION (ET)** represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.
10. **EXECUTIVE DIRECTOR** means the Executive Director of the NTMWD and includes a person the Executive Director has designated to administer or perform any task, duty, function, role, or action related to this Plan or on behalf of the Executive Director.
11. **FOUNDATION WATERING** means an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

12. INTERACTIVE WATER FEATURES means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.
13. IRRIGATION SYSTEM means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.
14. LANDSCAPE means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass or turf species, that is growing or has been planted out of doors.
15. MEMBER CITIES include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royse City, and Wylie, Texas, which are members of NTMWD.
16. NEW LANDSCAPE means: (a) vegetation installed at the time of the construction of a residential or commercial facility; (b) installed as part of a governmental entity's capital improvement project; or (c) installed to stabilize an area disturbed by construction.
17. ORNAMENTAL FOUNTAIN means an artificially created structure (up to a certain diameter) from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.
18. RETAIL CUSTOMERS include those customers to whom the Supplier provides retail water from a water meter.
19. SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.
20. SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.
21. SUPPLIER means a Member City or Customer that purchases wholesale water from NTMWD and provides water to retail and/or wholesale customers.
22. SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.
23. WATER RESOURCE MANAGEMENT PLAN means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.

Abbreviation	Full Nomenclature
ED	NTMWD Executive Director
NTMWD or District	North Texas Municipal Water District
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board
Model WREMP	Model Water Resource and Emergency Management Plan for Member Cities and Customers

3. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”¹

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 4.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 4.7
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 4.3
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 4.4
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 3.4
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 4.4
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 4.5
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 3.6
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1 and 4.4
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 4.3
- 288.20(c) – Review and Update of Plan – Section 4.8

4. WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

4.1 Provisions to Inform the Public and Opportunity for Public Input

The City of Rockwall will provide opportunity for public input in the development of this drought contingency and water emergency response plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the supplier's web site.
- Making the draft plan available on the supplier's web site.
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

4.2 Provisions for Continuing Public Education and Information

The City of Rockwall will inform and educate the public about the Water Resource and Emergency Management Plan by the following means:

- Preparing a bulletin describing the plan and making it available at City Hall and other appropriate locations.
- Making the plan available to the public through the supplier's web site.
- Including information about the Water Resource and Emergency Management on the supplier's web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Water Resource and Emergency Management Plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency and water emergency response plan is activated or the drought stage or water emergency response stage changes, Member Cities and Customer Cities will notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information will also be publicized on the supplier's web site (if available). Billing inserts will also be used as appropriate.

4.3 Initiation and Termination of Water Resource and Emergency Management Stages and Targets for Water use Reductions

Initiation of a Water Resource Management Stage

The City Manager or official designee may order the implementation of a Water Resource and Emergency Management response stage when one or more of the trigger conditions for that stage are met.

- Water Resource and Emergency Management Plan stages imposed by NTMWD action must be initiated by Member Cities and Customers.

- For other trigger conditions internal to a city or water supply entity, the City Manager or official designee may decide not to order the implementation of a Water Resource Management Stage or Water Emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

The following actions will be taken when a water resource management stage is initiated:

- The public will be notified through local media and the supplier's web site (if available) as described in Section 4.2.
- Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the Water Resource Management Stage.
- If any mandatory provisions of the Water Resource and Emergency Management Plan are activated, Member Cities and Customer Cities will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

Termination of Water Management Stage

The City Manager or official designee may order the termination of a Water Resource Management Stage when the conditions for termination are met or at their discretion.

The following actions will be taken when a water resource management stage is terminated:

- The public will be notified through local media and the supplier's web site as described in Section 4.2.
- Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax.
- If any mandatory provisions of the Water Resource and Emergency Management Plan that have been activated are terminated, Member Cities and Customer Cities will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

The City Manager or official designee may decide not to order the termination of a Water Resource Management stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the Water Resource Management Stage. The reason for this decision should be documented.

Water Resource and Emergency Management Plan Stages and Measures

4.3.1 Stage 1

Initiation and Termination Conditions for Stage 1

The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
- Water demand is projected to approach the limit of the permitted supply.
- The storage level in Lavon Lake as published by the Texas Water Development Board (TWDB),³ is less than 70 percent of the total conservation pool capacity during any months or April through October or less than 60 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 1 drought.
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, or some other NTMWD source may be limited in availability in the next six (6) months.
- NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three (3) consecutive days.
- Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source is interrupted or unavailable due contamination, invasive species, equipment failure or other causes.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only the portion of the NTMWD system impacted.

Supplier has initiated Stage 1 due to one or more of the following reasons:

- Supplier's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
- Supplier's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Supplier's individual plan may be implemented if other criteria dictate.

NTMWD has terminated Stage 1, which may be terminated due to one or more of the following:

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 1.
- The storage level in Lavon Lake, as published by the TWDB,³ is greater than 75 percent of the total conservation pool capacity during any of the months of April through October or greater than 65 percent of the total conservation pool capacity during any of the months of November through March.
- Other circumstances that caused NTMWD initiation of Stage 1 no longer prevail.

Supplier has terminated Stage 1, which may be terminated due to the cause of the Supplier's initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the amount of water produced by NTMWD from the previous corresponding annual payment period prior to institution of drought restrictions. **If circumstances warrant, of if required by NTMWD, the City Manager or official designee can set a goal for greater or lesser water use reduction under Stage 1.** The City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary, to achieve a two percent (2%) reduction. Measures described as “requires notification to TCEQ” are those that impose mandatory requirements on customers. The supplier must notify TCEQ and NTMWD within five (5) business days if such mandatory measures are implemented.

- Continue actions established by Water Conservation Plan.
- Notify wholesale customers of actions being taken and request implementation of similar procedures.
- Initiate engineering studies to evaluate alternative water sources and/or alternative delivery mechanisms should conditions worsen.
- Increase public education efforts on ways to reduce water use.
- Halt non-essential city government water use:
(Examples: street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing New Landscape.
- Encourage all users to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** - Increase enforcement of the following landscape watering restrictions established by the Water Conservation Plan: (1) limit landscape watering with sprinklers or irrigation systems at each service address to no more than two (2) days per week, on designated days, between April

1 and October 31; and (2) limit landscape watering with sprinklers or irrigation systems at each service address to once every week, on designated days, between November 1 and March 31. Exceptions are as follows:

- An exception is allowed for New Landscape associated with new construction that may be watered as necessary for 30 days from the date of installation of new landscape features.
- An exception for additional watering of landscape may be provided by hand-held hose with shutoff nozzle, and/or use of dedicated irrigation drip zones provided no runoff occurs.
- Foundation (within 2 feet), New Landscape watering, watering of new plantings (first year) of shrubs, and watering of trees (within a ten foot radius of its trunk) may occur by a hand-held hose, a soaker hose, or a dedicated zone using a Drip Irrigation system provided no runoff occurs.
- Restrictions do not apply to locations using treated wastewater effluent for irrigation or the legal use of water pumped from Lake Ray Hubbard as may be regulated by the City of Dallas.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** - Public athletic fields used for competition may be watered twice per week.
- **Requires Notification to TCEQ** - Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

4.3.2 Stage 2

Initiation and Termination Conditions for Stage 2

The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
- Water demand is projected to approach the limit of NTMWD permitted supply.
- The storage in Lavon Lake, as published by the TWDB, is less than 55 percent of the total conservation pool during any of the months of April through October or less than 45 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 2 drought.
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, or some other NTMWD source may be limited in availability in the next three (3) months.

- NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three (3) consecutive days.
- NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other causes.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the system impacted.

Supplier has initiated Stage 2 due to one or more of the following reasons:

- Supplier's water demand exceeds 98 percent of the amount that can be delivered to customers for three (3) consecutive days.
- Supplier's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Supplier's individual plan may be implemented if other criteria dictate.

NTMWD has terminated Stage 2, which may terminate due to one of the following:

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 2.
- The storage level in Lavon Lake, as published by the TWDB, ³ is greater than 70 percent of the total conservation pool capacity during any of the months of April through October or greater than 60 percent of the total conservation pool capacity during any of the months of November through March.
- Other circumstances that caused NTMWD initiation of Stage 2 no longer prevail.

Supplier has terminated Stage 2, which may be terminated due to the cause of the Supplier's initiation of Stage 2 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of ten percent (10%) in the amount of water obtained from NTMWD from the previous corresponding annual payment period prior to institution of drought restrictions. **If circumstances warrant, or if required by NTMWD, the City Manager or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary, to achieve a two-percent reduction. Measures described as "requires notification to TCEQ" are those that impose mandatory

requirements on customers. The supplier must notify TCEQ and NTMWD within five (5) business days if such mandatory measures are implemented.

- Continue or initiate any actions available under Water Conservation Plan and Stage 1.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- Further accelerate public education efforts on ways to reduce water use.
- Encourage all users to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** - Limit landscape watering with sprinklers or irrigation systems at each service address to once per week, on designated days between April 1 and October 31. and (2) limit landscape watering with sprinklers or irrigation systems at each service address to once every week, on designated days, between November 1 and March 31. Exceptions are as follows:
 - An exception is allowed for New Landscape associated with new construction that may be watered as necessary for 30 days from the date of installation of new landscape features.
 - An exception for additional watering of landscape may be provided by hand-held hose with shutoff nozzle, and/or use of dedicated irrigation drip zones provided no runoff occurs.
 - Foundation (within 2 feet), New Landscape Watering, watering of new plantings (first year) of shrubs, and watering of trees (within a ten foot radius of its trunk) may occur by a hand-held hose, a soaker hose, or a dedicated zone using a Drip Irrigation system provided no runoff occurs.
 - Athletic Fields may be watered twice per week.
 - An exemption is allowed for Drip Irrigation system from the designated outdoor water use day limited to no more than one day per week. Drip Irrigation systems are however subject to all other restrictions applicable under this stage.
 - Hand water with shutoff nozzle, drip lines, and Soaker Hoses are allowed before 10 am and after 6 pm, provided no runoff occurs.
 - Restrictions do not apply to locations using treated wastewater effluent for irrigation or the legal use of water pumped from Lake Ray Hubbard as may be regulated by the City of Dallas.
- **Requires Notification to TCEQ** - Prohibit hydro seeding, hydro mulching, and sprigging.
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.

- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water used over a certain level.
- **Requires Notification to TCEQ** - Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.
- **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water availability, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section §11.039 and according to the following water allocation policies and procedures:
 - A wholesale customer’s monthly allocation shall be a percentage of the customer’s water usage baseline. The percentage will be set by the City Manager or his/her designee based on the assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by the City Manager or his/her designee as conditions warrant. Once pro rata allocations are in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
 - A monthly water usage allocation shall be established by the City Manager or his/her designee for each wholesale customer. The wholesale customer’s water usage baseline will be computed on the average water usage by month for the past five years. If the wholesale customer’s billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
 - The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media, the Texas Natural Resource Conservation Commission, and the Texas Water Development Board upon initiation of pro rata water allocations.
 - Upon request of the customer, a request for a temporary variance to the pro rata water allocation may be requested.
 - At the initiative of the City Manager or his/her designee, the allocation may be reduced if, (a) the customer agrees to transfer part of its allocation to another wholesale customer, or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.
 - City wholesale water users will be advised to continue all relevant actions from the previous stages including appropriate public water use restrictions and to implement the next stage of their own individual Retail Water Supplier Resource and Emergency Management Plan.

4.3.2 Stage 3

Initiation and Termination Conditions for Stage 3

The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3
- Water demand is projected to approach or exceed the limit of the permitted supply.
- The storage in Lavon Lake, as published by the TWDB,³ is less than 30 percent of the total conservation pool during any of the months of April through October or less than 20 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in Stage 3.
- The water supplied from Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, or some other NTMWD water source has become limited in availability.
- NTMWD water demand exceeds the amount that can be delivered to Customers.
- NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other causes.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the system impacted.

Supplier has initiated Stage 3 due to one or more of the following reasons:

- Supplier's water demand exceeds the amount that can be delivered to customers.
- Supplier's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Supplier's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Supplier's individual plan may be implemented if other criteria dictate.

NTMWD has terminated Stage 3, which may terminate due to one or more of the following:

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 3.
- The storage level in Lavon Lake, as published by the TWDB,³ is greater than 55 percent of the total conservation pool capacity during any of the months of April

through October or greater than 45 percent of the total conservation pool capacity during any of the months of November through March.

- Other circumstances that caused NTMWD initiation of Stage 2 no longer prevail.

Supplier has terminated Stage 3, which may be terminated due to the cause of the Supplier's initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is designated by NTMWD in the amount of water obtained from NTMWD from the corresponding previous annual payment period prior to institution of drought restrictions. If circumstances warrant or if required by NTMWD, the City Manager or official designee can set a goal for greater water use reduction.

The City Manager or official designee must implement any action(s) required by NTMWD. In addition, the City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The supplier must notify TCEQ and NTMWD within five (5) business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing and washing of paved areas, buildings, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
 - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
- **Requires Notification to TCEQ** - Prohibit hydro seeding, hydro mulching, and sprigging.
- **Requires Notification to TCEQ** - Prohibit the use of potable water for the irrigation of new landscape.
- **Requires Notification to TCEQ** - Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs. ET/Smart controllers and drip irrigation systems are not exempt from this requirement.

- **Requires Notification to TCEQ** - Prohibit washing of vehicles except at Commercial Vehicle Wash Facilities, except as necessary for health, sanitation, or safety reasons.
- **Requires Notification to TCEQ** - Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.
- **Requires Notification to TCEQ** - Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** - Require all commercial water users to reduce water use by a percentage established by the City Manager or official designee.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.
- **Requires Notification to TCEQ** - In the event that the triggering criteria specified in the Plan for Stage 3 and Severe Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section §11.039 and according to the following water allocation policies and procedures:
 - A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by the City Manager or his/her designee based on the assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by the City Manager or his/her designee as conditions warrant. Once pro rata allocations are in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
 - A monthly water usage allocation shall be established by the City Manager or his/her designee for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the past five years. If the wholesale customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
 - The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media, the Texas Natural Resource Conservation Commission, and the Texas Water Development Board upon initiation of pro rata water allocations.
 - Upon request of the customer, a request for a temporary variance to the pro rata water allocation may be requested.

- At the initiative of the City Manager or his/her designee, the allocation may be reduced if, (a) the customer agrees to transfer part of its allocation to another wholesale customer, or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.
- City wholesale water users will be advised to continue all relevant actions from the previous stages including appropriate public water use restrictions and to implement the next stage of their own individual Retail Water Supplier Resource and Emergency Management Plan.

4.4 Procedure for Curtailment of Water Supplies

Any imposed reduction in water availability, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section §11.039. In addition, every wholesale water supply contract entered into or renewed after the adoption of this plan, including contract extensions, shall include a provision that water will be distributed in accordance with Texas Water Code §11.039 in case of a water shortage resulting from drought or water emergency.

4.5 Procedures for Granting Variances to the Plan

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this Water Resource and Emergency Management Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance
- Compliance with this plan cannot be accomplished due to technical or other limitations
- Alternative methods that achieve the same level of reduction in water use can be implemented

Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested

- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information

4.6 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 1, Stage 2 and Stage 3 through adoption of this Water Resource and Emergency Management Plan by Ordinance of the City of Rockwall.

4.7 Coordination with the Regional Water Planning Group and NTMWD

A copy of this Water Resource and Emergency Management plan will be sent to the Chair of the Region C Water Planning Group and the Chairs of North East Texas Water Planning Group.

4.8 Review and Update of Drought Contingency and Water Emergency Response Plan

As required by TCEQ rules, Member Cities and Customer Cities must review the drought contingency and water emergency response plan every five years. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

Appendix A

List of References

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, July 2018.
- (2) Freese and Nichols, Inc.: 2019 Model Water Resource Management Plan for NTMWD Member Cities and Customers, prepared for the North Texas Municipal Water District, Fort Worth, February 2019.
- (3) Texas Water Development Board, Water Data for Texas, Lavon Lake, <https://waterdatafortexas.org/reservoirs/individual/lavon>.

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES
ON DROUGHT CONTINGENCY PLANS**

APPENDIX B
Texas Commission on Environmental Quality Rules on Drought Contingency Plans

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

- (a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.
- (1) Minimum requirements. Drought contingency plans must include the following minimum elements.
- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
- (i) reduction in available water supply up to a repeat of the drought of record;
 - (ii) water production or distribution system limitations;
 - (iii) supply source contamination; or
 - (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

- (F) The drought contingency plan must include the specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.
 - (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
 - (i) curtailment of non-essential water uses; and
 - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
 - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
 - (I) The drought contingency plan must include procedures for granting variances to the plan.
 - (J) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
 - (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
 - (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384.

APPENDIX C

Letter to Region C Water Planning Group



City of Rockwall
The New Horizon

Date: April 26, 2019

Kevin Ward
Chair, Region C Water Planning Group
P.O. Box 60
Arlington, TX 76004

Dear Kevin Ward:

Enclosed please find a copy of the recently updated Water Resource and Emergency Management Plan for the City of Rockwall. I am submitting a copy of this model plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Rockwall City Council adopted the updated Water Resource Emergency Management Plan on April 15, 2019.

Sincerely,

Rick Crowley
City of Rockwall

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager

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

DATE: July 10, 2019

**SUBJECT: Facilities Agreement
Alders at Rockwall - Squabble Creek Sanitary Sewer Interceptor
Rehabilitation Phase 3 Project**

The Squabble Creek Sanitary Sewer Interceptor is one of the main back bones of the City's wastewater collection system. Over the years, replacement and maintenance of this trunk line has been required to keep it operational and up to Texas Commission on Environmental Quality (TCEQ) standards. The proposed Phase 3 rehabilitation project for this interceptor (shown on the attached map in red) is intended to replace pipe that has collapsed, and pipe that does not meet the required slope per TCEQ requirements. Portions of the interceptor pipe are Vitrified Clay Pipe (VCP), which is currently in disrepair. The City has experienced large amounts of inflow and infiltration into the wastewater system due to the condition of the VCP. This additional flow can increase the treatment costs incurred by the City from North Texas Municipal Water District.

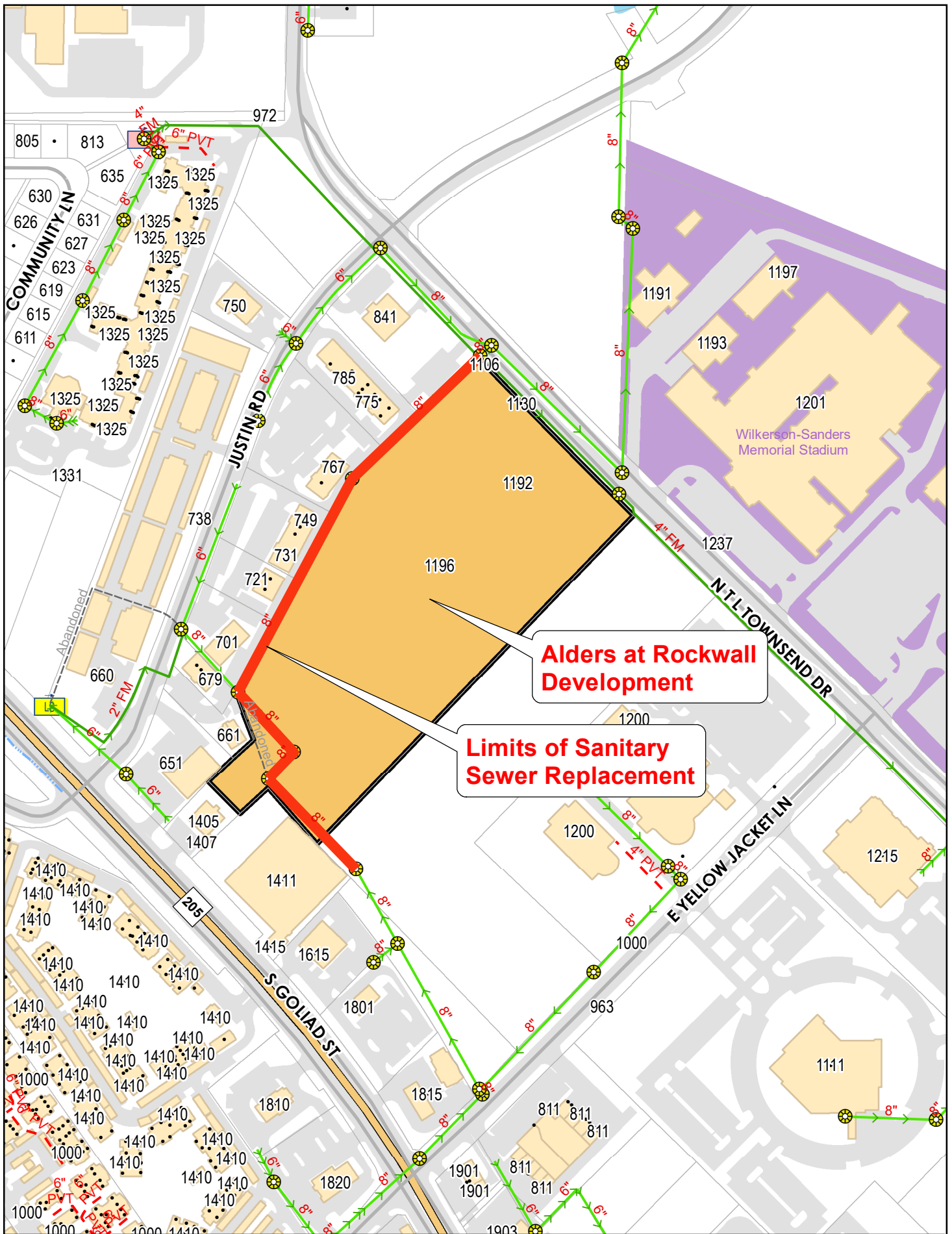
On February 18, 2019, City Council approved Burgess & Niple, Inc. to provide engineering design and construction plans for the improvements. The Alders at Rockwall Developer has provided a cost of \$556,034.66 from removal and construction of the new sewer line. State Law allows the City to participate with a development as long as the City's amount does not exceed 30 percent of the construction cost. The developers cost of the Alders at Rockwall development is approximately \$20,000,000. This amount will not exceed the 30 percent restriction. Our funding will be provided by the _____.

Staff requests City Council consider approving the facilities agreement with Alders at Rockwall Property, LLC, to reconstruct the existing Squabble Creek sanitary sewer Interceptor within the Alders at Rockwall development in an amount not to exceed \$556,064.66 and take any action necessary.

AJW:jmw

Attachments

Cc: Jeremy White, P.E. CFM, Civil Engineer
File



City of
Rockwall



0 50 100 Feet
Date: 2/12/2019

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

**SQUABBLE CREEK INTERCEPTOR
SEWER PH 3 PROJECT 85**

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

**FACILITIES AGREEMENT
Alders at Rockwall Lot 1, Block A**

This Agreement is entered into on the _____ day of _____, 2019, by and between the City of Rockwall, Texas ("City") and Alders at Rockwall Property, LLC, a Texas Limited Liability Company. ("Developer").

WITNESSETH:

Section 1. That in consideration of the Alders at Rockwall Lot 1, Block A Development, located along T.L. Townshend Drive, the parties agree as follows:

Developer agrees to the following:

- a. To remove the existing 8" PVC sanitary sewer line in the Squabble Creek sanitary sewer interceptor and replace with a 10" PVC sanitary sewer line within the existing easement along property boundary per approved plans.

City agrees to the following:

- a. Reimburse the Developer, the construction of the removal of the existing 8" PVC sanitary sewer line when the existing sanitary sewer line is fully removed and accepted by the City.
- b. Reimburse the Developer, the construction of the proposed 10" PVC sanitary sewer line when it is fully installed per approved plan and accepted by the City. The Participation Breakdown Worksheet, Exhibit A, is attached and made part of this Agreement.

Section 2. Nothing contained herein shall be considered as a waiver of the provisions of the City's Comprehensive Zoning Ordinance and subdivision regulations as the case may be.

Section 3. Severability Clause. If any section or provision of this Agreement or the application of that section or provision to any person, firm, corporation, situation or circumstance is for reason judged invalid, the adjudication shall not affect any other section or provision of this Agreement 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 Agreement without

the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

Section 4. Venue for this Agreement shall be in Rockwall County, Texas.

Section 5. Notice of this Agreement shall be in writing and addressed to the following:

City of Rockwall
205 W. Rusk
Rockwall, Texas 75087
Attn: City Manager

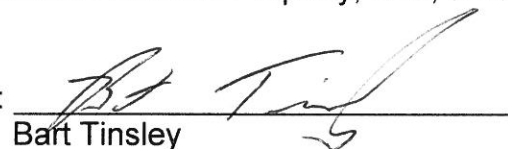
Alders at Rockwall Property, LLC,
a Texas Limited Liability Co.
1625 Clark Springs Drive
Allen, Texas 75002

SIGNED ON THE DATE FIRST ABOVE WRITTEN.

CITY OF ROCKWALL

By: _____
Rick Crowley, City Manager

Alders at Rockwall Property, LLC, a Texas Limited Liability Company

By: _____
Bart Tinsley

ACKNOWLEDGEMENTS

STATE OF TEXAS)
COUNTY OF Collin)
CITY OF Allen)

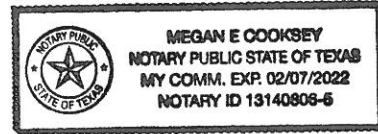
BEFORE ME, the undersigned authority, on this day personally appeared, Bart Tinsley, Manager of Alders at Rockwall Property, LLC, a Texas Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said County,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 day of July, 2019.

Megan E Cooksey
Notary Public in and for the State of Texas

My Commission Expires:

02/07/2022
(Seal)



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

BEFORE ME, the undersigned authority, on this day Personally appeared, Rick Crowley, City of Rockwall, City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said County,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires:

(Seal)

EXHBIT A

Squabble Creek Sewer Rehabilitation - Rockwall, Texas

DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
10" SDR-26	LF	774	\$ 119.70	\$ 92,647.80
10" SDR-35	LF	907	\$ 72.96	\$ 66,174.72
CONNECT EX. SERVICE	EA	4	\$ 1,845.66	\$ 7,382.64
10" CURB INLET ON EX.	EA	1	\$ 5,894.94	\$ 5,894.94
5' CONCRETE MANHOLE ON EX.	EA	2	\$ 18,136.26	\$ 36,272.52
5' CONCRETE MANHOLE	EA	2	\$ 12,314.28	\$ 24,628.56
4' CONCRETE MANHOLE ON EX.	EA	2	\$ 8,269.56	\$ 16,539.12
4' CONCRETE MANHOLE	EA	2	\$ 6,086.46	\$ 12,172.92
6" DOUBLE CLEANOUT	EA	4	\$ 1,482.00	\$ 5,928.00
CONCRETE ENCASEMENT	LF	300	\$ 25.08	\$ 7,524.00
BYPASS PUMPING	LS	1	\$ 169,646.82	\$ 169,646.82
RIGHT OF WAY PREP	LS	1	\$ 11,400.00	\$ 11,400.00
REMOVE EX. SEWER LINE	LF	1680	\$ 29.64	\$ 49,795.20
REMOVE EX. MANHOLE	EA	7	\$ 1,719.12	\$ 12,033.84
REMOVE EX. STROM INLET	EA	1	\$ 1,719.12	\$ 1,719.12
TRAFFIC CONTROL	LS	1	\$ 7,275.48	\$ 7,275.48
SAWCUT PAVEMENT	LF	264	\$ 6.84	\$ 1,805.76
REMOVE PAVEMENT	SF	609	\$ 6.84	\$ 4,165.56
TEMPORARY REPLACE PAVEMENT	SF	609	\$ 6.84	\$ 4,165.56
PERMANENT REPLACE PAVEMENT	SF	609	\$ 12.54	\$ 7,636.86
TESTING	LF	1681	\$ 2.45	\$ 4,120.13
TRENCH SAFETY	LF	1681	\$ 1.14	\$ 1,916.34
LAYOUT	LF	1681	\$ 1.48	\$ 2,491.24
SILT FENCE	LF	385	\$ 2.57	\$ 987.53
2 YR - 10% MAINTENANCE BOND	LS	1	\$ 1,710.00	\$ 1,710.00
SANITARY SEWER TOTAL				\$ 556,034.66

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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: July 15, 2019
APPLICANT: Judy Larson
CASE NUMBER: P2019-011; *Lot 1, Block A, Devoll Place Addition*

SUMMARY

Discuss and consider a request by Judy K. Larson for the approval of a final plat for Lot 1, Block A, Devoll Place Addition being a 6.96-acre tract of land identified as Tract 26-2 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 1.5 (SFE-1.5) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 556 N. FM-3549, and take any action necessary.

PLAT INFORMATION

- ☑ The applicant is requesting to final plat a 6.69-acre tract of land (*i.e. Tract 26-2 of the E. M. Survey, Abstract No. 77*) into one (1) lot (*i.e. Lot 1, Block A, Devoll Place Addition*) for the purpose of constructing a single-family home on Lot 1.
- ☑ The subject property is a 6.69-acre tract of land that was annexed in 1998 [*Ordinance No. 98-10*]. On September 4, 2018, the City Council approved a change in zoning [*Ordinance No. 18-36*] from an Agricultural (AG) District to a Single-Family Estate (SFE-1.5) District for the subject property.
- ☑ On June 27, 2019, the Board of Adjustments (BOA) approved a variance [*Order No. BOA 2019-6-V*] to reduce [1] the required side setback to from 25-feet to six (6) feet, [2] to reduce the minimum lot frontage from 150-feet to 122-feet, and [3] to allow a 1,200 SF accessory building on the subject property. The applicant is also requesting a masonry exception [*Case No. MIS2019-007*] for the 1,200 SF accessory building [*Case No. MIS2019-010*].
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat - *conforming to the requirements for final plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

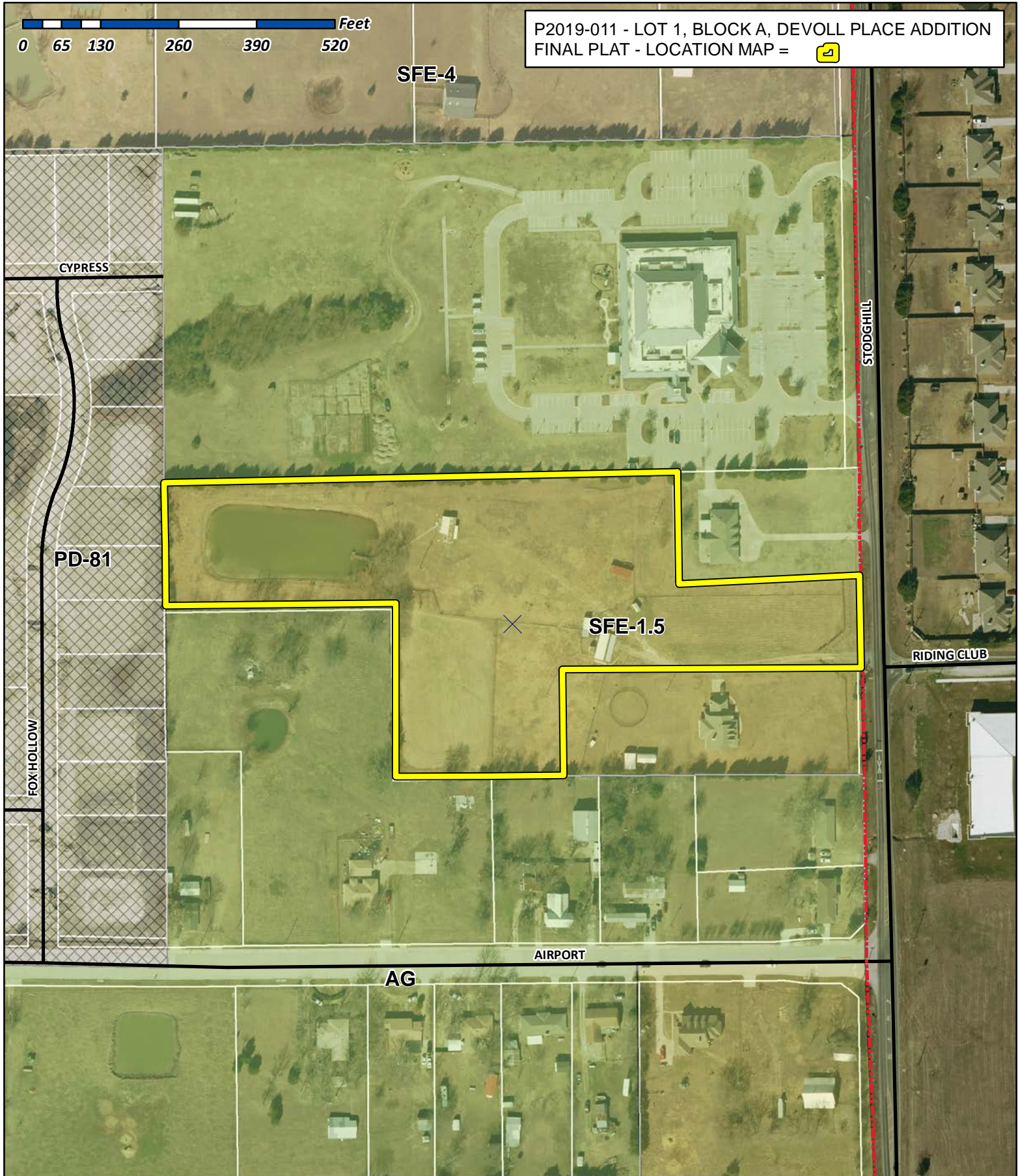
CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the final plat for *Lot 1, Block A, Devoll Place Addition*, staff would propose the following conditions of approval:

- (1) The Final Plat shall conform to all requirements stipulated by the Planning, Engineering and Fire Departments;
- (2) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On July 9, 2019, the Planning and Zoning Commission approved a motion to recommend approval of the final plat by a vote of 6-0, with Commissioner Fishman absent.

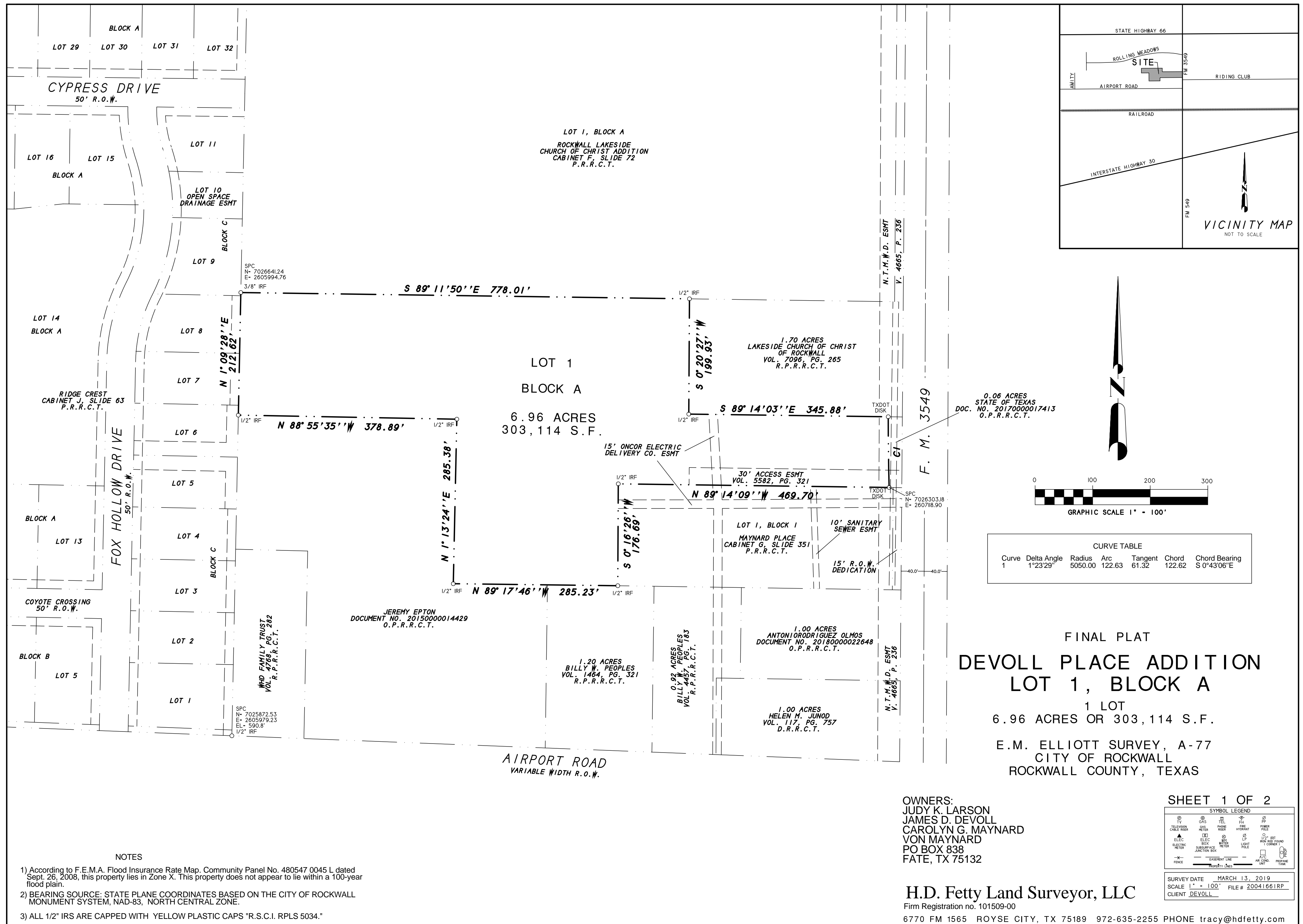


City of Rockwall

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

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





OWNER'S CERTIFICATE
(Public Dedication)

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS JUDY K. LARSON, JAMES D. DEVOLL, VON and CAROLYN MAYNARD, BEING THE OWNERS OF A TRACT OF land in the City of Rockwall, County of Rockwall, State of Texas, said tract being described as follows:

All that certain lot, tract or parcel of land situated in the E.M. ELLIOTT SURVEY, ABSTRACT NO. 77, City of Rockwall, Rockwall County, Texas, and being a part of that 9.033 acres tract as described in a Warranty deed from Cal Cary and Betty Cary to Jess Devoll and Pat J. Devoll, dated September 18, 2000 and being recorde in Volume 1967, Page 79 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the southwest corner of Lot 1, Block A, Maynard Place, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet G, Slide 351 of the Plat Records of Rockwall County, Texas and being N. 89 deg. 08 min. 37 sec. W., a distance of 492.01 feet from a 1/2" iron rod pipe in the West right-of-way line of F.M. Highway 3549 at the southeast corner of said Devoll tract;

THENCE N. 89 deg. 17 min. 46 sec. W. a distance of 285.23 feet to a 1/2" iron rod found for corner at the south most southwest corner of said Devoll tract;

THENCE N. 01 deg. 13 min. 24 sec. E. a distance of 285.38 feet to a 1/2" iron rod found for corner;

THENCE N. 88 deg. 55 min. 35 sec. W. a distance of 378.89 feet to a 1/2" iron rod found for corner at the west most southwest corner of said Devoll tract and in the east boundary line of Ridge Crest Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet J, Slide 63 of the Plat Records of Rockwall County, Texas;

THENCE N. 01 deg. 09 min. 28 sec. E. a distance of 212.62 feet to a 3/8" iron rod found for corner at the northwest corner of said Devoll tract;

THENCE S. 89 deg. 11 min. 50 sec. E. a distance of 778.01 feet to a 1/2" iron rod found for corner;

THENCE S. 00 deg. 20 min. 27 sec. W. a distance of 199.93 feet to a 1/2" iron rod found for corner;

THENCE S. 89 deg. 14 min. 03 sec. E. a distance of 345.88 feet to a TXDOT disk monument found for corner in the west right-of-way line of F.M. 3549;

THENCE along a curve to the left having a central angle of 01°23'29", a radius of 5050.00 feet, a tangent of 61.32 feet, a chord bearing of S. 00 deg. 43 min. 06 sec. E., chord distance of 122.62 feet, along said right-of-way, an arch length 122.63 feet, to a TXDOT disk monument found for corner;

THENCE N. 89 deg. 14 min. 03 sec. W. a distance of 169.70 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE S. 00 deg. 16 min. 26 sec. W. along the west boundary line of Maynard Place, a distance of 176.69 feet to the POINT OF BEGINNING and containing 303,114 square feet or 6.96 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as DEVOLL PLACE ADDITION, LOT 1, BLOCK A, an Addition to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the subdivision have been notified and signed this plat.

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

We also understand the following:

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

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

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

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

VON MAYNARD CAROLYN MAYNARD

JUDY K. LARSON JAMES D. DEVOLL

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

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

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



OWNERS:
JUDY K. LARSON
JAMES D. DEVOLL
CAROLYN G. MAYNARD
VON MAYNARD
PO BOX 838
FATE, TX 75132

H.D. Fetty Land Surveyor, LLC

Firm Registration no. 101509-00

6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

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

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission

Date

APPROVED

I hereby certify that the above and foregoing plat of DEVOLL PLACE ADDITION, LOT 1, BLOCK A, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, _____.

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

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

WITNESS OUR HANDS, this _____ day of _____, _____.

Mayor, City of Rockwall

City Secretary City of Rockwall

City Engineer

FINAL PLAT

DEVOLL PLACE ADDITION
LOT 1, BLOCK A

1 LOT
6.96 ACRES OR 303,114 S.F.

E.M. ELLIOTT SURVEY, A-77
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

SHEET 2 OF 2

SYMBOL LEGEND									
TV TELEVISION CABLE REER	⊗ GAS PIPER REER	⊗ ELEC PIPER REER	⊗ FIRE HYDRANT POLE	⊗ POWER POLE	⊗ 1/2" IRON PIPE FOUND CORNER	⊗ 1/2" IRON PIPE FOUND CORNER	⊗ 1/2" IRON PIPE FOUND CORNER	⊗ 1/2" IRON PIPE FOUND CORNER	⊗ 1/2" IRON PIPE FOUND CORNER
▲ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER	⊗ ELEC PIPER REER
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SURVEY DATE MARCH 13, 2019
SCALE 1" = 100' FILE # 20041661RP
CLIENT DEVOLL

CASE NO. P2019-

**ORDER OF THE BOARD OF ADJUSTMENT
OF THE CITY OF ROCKWALL, TEXAS**

ORDER NO. BOA 2019-6-V

WHEREAS, the Board of Adjustment held a public hearing on the 27th day of June, 2019, to consider the application of Judy Larson, as owner for the tract of land described below, for a variance from the Residential Single Family Zoning to reduce the required side lot set back, and minimum lot frontage from 150 ft. to 122.63 ft. known as 556 N. FM 3549, in order to construct a new free standing 1200 ft. accessory building.

WHEREAS, the applicant requested a variance from the said zoning which requires 25' side lot set back for property within the SFE 1.5 district. To allow a 6' side lot set-back, and minimum lot frontage from 150 ft. to 122.63 ft. for Lot 556 N FM 3549.

WHEREAS, after due consideration and discussion it appears that the granting of such variances would not cause an adverse effect on the surrounding properties and would not be contrary to the public interest.

**NOW, THEREFORE BE IT ORDERED BY THE BOARD OF ADJUSTMENT
OF THE CITY OF ROCKWALL, TEXAS:**

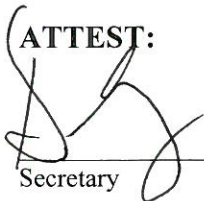
Section 1. That all of the above premises are found and determined to be true and correct and are incorporated into the body of this order as if copied in their entirety.

Section 2. That the request from the applicant for this Board to grant a variance from the zoning, be and in the same is hereby granted so as to allow 6' lot set back and minimum lot frontage from 150 ft. to 122.63 ft. on the North West side of lot 556 N. FM 3549


Section 3. That the Building Official of the City is hereby authorized and directed to issue the appropriate permits, if any, for the above described property under the terms and conditions of this Order.

Section 4. That this Order was passed by the concurring vote of at least four (4) members of the Board of Adjustment and is effective as of the 27th day of June, 2019,

(ATTEST:


Secretary

APPROVED:


Chairman

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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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

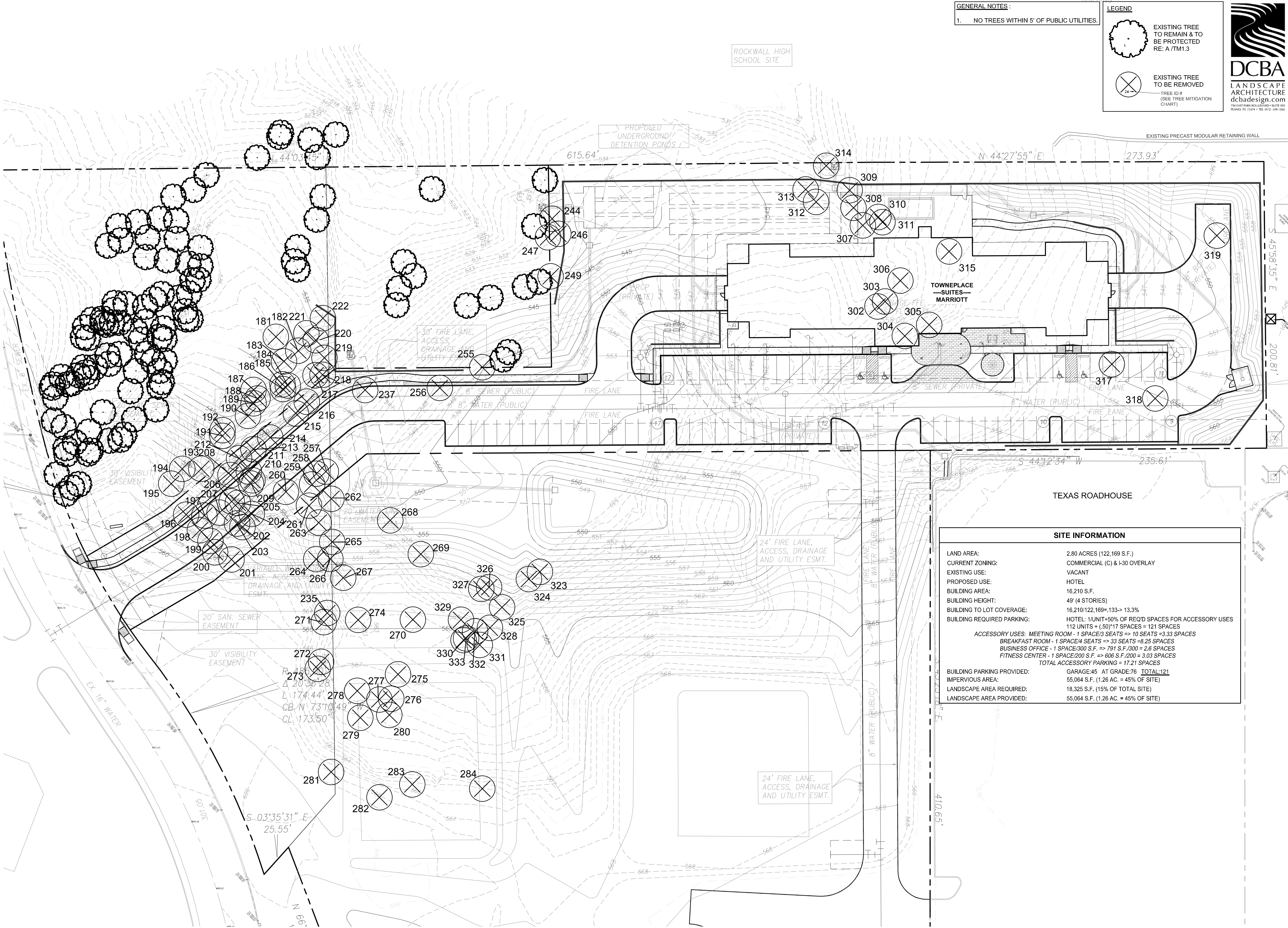
FROM: Ryan Miller, *Director of Planning and Zoning*

DATE: July 15, 2019

SUBJECT: MIS2019-012; *Alternative Tree Mitigation Plan*

The applicant, Cameron Slown of F. C. Cuny Corporation, is requesting the approval of an *Alternative Tree Mitigation Plan* for an 8.715-acre tract of land generally located at the northeast corner of the intersection of Greencrest Boulevard and the IH-30 Frontage Road. On October 9, 2019, the Planning and Zoning Commission approved a site plan [Case No. SP2018-029] for a residence hotel (*i.e. Marriott Townplace Suites*) on the subject property. The *Treescape Plan* submitted with this site plan indicated a total of 179-caliper inches of trees being removed from the subject property. The majority of these trees were classified as *Primary Protected Trees*, and consisted of Oak and Elm trees. The applicant's landscape plan provided with the site plan showed that this mitigation balance would be offset by the incorporation of 182-caliper inches of new trees on the subject property. Since the approval of the site plan, the applicant has indicated that an additional 462-caliper inches of trees will be required to be removed from the site and the surrounding area due to on-site/off-site grading. Based on the new mitigation balance, the Unified Development Code (UDC) allows the applicant to buy tree credits at \$200.00 per inch for up to 20% of the balance with the remaining balance being provided in trees on-site or to the Parks and Recreation Department. The \$200.00 per inch can further be reduced to \$100.00 per inch if the applicant is proposing to plant trees on-site, which in this case the applicant is. In lieu of the 20%/80% split required by the UDC, the applicant is requesting an *Alternative Tree Mitigation Plan* in accordance with Section 5, *Tree Mitigation Requirements*, of Article IX, *Tree Preservation*, of the UDC to pay 100% of the trees at the \$100.00 rate. This equates to a total of \$46,200.00 being added to the City's tree fund if approved. On July 9, 2019, the Planning and Zoning Commission voted 6-0 (with Commissioner Fishman absent) to recommend approval of the *Alternative Tree Mitigation Plan* to the City Council.

Since the applicant is proposing to satisfy the mitigation balance in full at the required \$100.00 rate, staff has placed this item on the consent agenda. Should the City Council have any questions concerning this case, staff will be available at the July 15, 2019 City Council meeting.



GENERAL NOTES:
1. NO TREES WITHIN 5' OF PUBLIC UTILITIES.

LEGEND

EXISTING TREE TO REMAIN & TO BE PROTECTED
RE: A /TM1.3

EXISTING TREE TO BE REMOVED
— TREE ID #
(SEE TREE MITIGATION CHART)

DCBA
LANDSCAPE ARCHITECTURE
dcbadesign.com
730 EAST PARK ROAD, SUITE 100
PLANO, TX 75074 • TEL: 972.599-1240

ARCHITECT

KILLIAN
STUDIO OF ARCHITECTURE
KEN KILLIAN STUDIO OF ARCHITECTURE
10670 N. CENTRAL EXPWY | SUITE 600
DALLAS, TEXAS 75231
214.457.3652

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF THE ARCHITECT. THEY SHALL NOT BE USED, TRANSFERRED, OR SOLD FOR USE EXCEPT BY AN AGREEMENT IN WRITING FROM THE ARCHITECT.

KENNETH R. KILLIAN, AIA
TX REG. NO. 19489

SEAL

REGISTERED LANDSCAPE ARCHITECT
DAVID C. BALMAIN
STATE OF TEXAS
704
04.12.19

OWNER
TEKMAK DEVELOPMENT COMPANY
10,000 N CENTRAL, SUITE 400
DALLAS, TEXAS 75231
214/890-9225 OFFICE
CONTACT: THOMAS KIRKLAND

MARRIOTT
MARRIOTT GLOBAL DESIGNS AMERICA
10400 FERNWOOD ROAD
BETHESDA, MD, 20817
(712) 899-1626
CONTACT: - MICHAEL STEINKAMP

CIVIL ENGINEER
FC CUNY CORPORATION
#2 HORIZON COURT, STE 500
HEATH, TEXAS 75032
(469) 402-7700
CONTACT: CHRIS CUNY, P.E.

STRUCTURAL ENGINEER
MK ENGINEERS AND ASSOCIATES, INC
400 CHISHOLM PLACE, SUITE 106
PLANO, TX 75075
214-501-3354
CONTACT: MOHAMMAD KABIR, PE

MEP ENGINEER
ROOT ENGINEERING SERVICES, INC
45 FM 3356
VAN ALSTYNE, TX 75495
903-375-9303 EXT.103
CONTACT: ADAM HARRIS, PE

TOWNEPLACE SUITES®
BY MARRIOTT

**TOWNEPLACE SUITES
BY MARRIOTT
ROCKWALL, TEXAS**

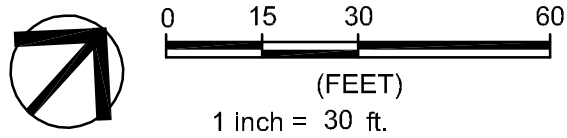
PROJECT ADDRESS
**I-30 HIGHWAY
ROCKWALL, TEXAS**

REV.	DATE	ISSUE
1	12.21.18	PERMIT ISSUE
2	02.08.19	GARAGE/1ST FLR REVISIONS
3	04.12.19	TAS/CITY COMMENTS
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

2018.101
PROJECT NUMBER
TREE PRESERVATION
PLAN

TM1.1
SHEET NUMBER
SR018-029

A TREE PRESERVATION PLAN
SCALE: 1"= 30'-0"
PLAN VIEW



TAG NUMBER	COMMON NAME	BOTANICAL NAME	CALIPER INCH	ACTION	MITIGATION (*SEE NOTES)
307	CEDAR ELM	<i>Ulmus crassifolia</i>	18	REMOVED	18
308	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
309	CEDAR ELM	<i>Ulmus crassifolia</i>	14	REMOVED	14
310	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
311	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
312	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
313	CEDAR ELM	<i>Ulmus crassifolia</i>	16	REMOVED	16
314	CEDAR ELM	<i>Ulmus crassifolia</i>	12	REMOVED	12
315	CEDAR ELM	<i>Ulmus crassifolia</i>	4	REMOVED	4
316	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	14	REMOVED	7
317	HACKBERRY	<i>Celtis occidentalis</i>	16	REMOVED	8
318	HACKBERRY	<i>Celtis occidentalis</i>	12	REMOVED	6
319	HACKBERRY	<i>Celtis occidentalis</i>	14	REMOVED	7
321	CEDAR ELM	<i>Ulmus crassifolia</i>	18	REMOVED	18
322	CEDAR ELM	<i>Ulmus crassifolia</i>	18	REMOVED	18
323	CEDAR ELM	<i>Ulmus crassifolia</i>	22	REMOVED	22
324	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
325	CEDAR ELM	<i>Ulmus crassifolia</i>	12	REMOVED	12
326	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
327	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
328	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
329	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
330	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
331	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
332	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
333	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
334	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
335	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
TOTAL REQUIRED MITIGATION CALIPER INCHES					656

NOTES:
THIS OFF-SITE TREE MITIGATION CHART (TREE TAG 261-335) DOESN'T NEED TO BE ACCOUNTED FOR IN THE MARRIOTT TREE FUND BUT THE OWNER OF THE OFFSITE AREA WILL NEED TO HAVE THIS MITIGATION NUMBER SO HE OR SHE CAN PAY FOR THE TREE FUND IN THE FUTURE.

TREE MITIGATION TABLE - OFF SITE					
TAG NUMBER	COMMON NAME	BOTANICAL NAME	CALIPER INCH	ACTION	MITIGATION (*SEE NOTES)
261	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
262	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
263	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
264	CEDAR ELM	<i>Ulmus crassifolia</i>	16	REMOVED	16
265	CEDAR ELM	<i>Ulmus crassifolia</i>	16	REMOVED	16
266	CEDAR ELM	<i>Ulmus crassifolia</i>	14	REMOVED	14
267	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
268	LIVE OAK	<i>Quercus virginiana</i>	16	REMOVED	16
269	LIVE OAK	<i>Quercus virginiana</i>	22	REMOVED	22
270	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
271	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
272	CEDAR ELM	<i>Ulmus crassifolia</i>	12	REMOVED	12
273	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
274	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
275	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
276	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
277	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
278	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
279	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
280	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
281	HACKBERRY	<i>Celtis occidentalis</i>	18	REMOVED	18
282	HACKBERRY	<i>Celtis occidentalis</i>	18	REMOVED	18
283	CEDAR ELM	<i>Ulmus crassifolia</i>	16	REMOVED	16
284	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
285	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	12	REMOVED	6
286	HACKBERRY	<i>Celtis occidentalis</i>	18	REMOVED	9
287	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	18	REMOVED	9
288	HACKBERRY	<i>Celtis occidentalis</i>	24	REMOVED	12
289	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
302	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
303	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
304	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
305	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
306	CEDAR ELM	<i>Ulmus crassifolia</i>	14	REMOVED	14

TAG NUMBER	COMMON NAME	BOTANICAL NAME	CALIPER INCH	ACTION	MITIGATION (*SEE NOTES)
302	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
303	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
304	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
305	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
306	CEDAR ELM	<i>Ulmus crassifolia</i>	14	REMOVED	14
307	CEDAR ELM	<i>Ulmus crassifolia</i>	18	REMOVED	18
308	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
309	CEDAR ELM	<i>Ulmus crassifolia</i>	14	REMOVED	14
310	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
311	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
312	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
313	CEDAR ELM	<i>Ulmus crassifolia</i>	16	REMOVED	16
314	CEDAR ELM	<i>Ulmus crassifolia</i>	12	REMOVED	12
315	CEDAR ELM	<i>Ulmus crassifolia</i>	4	REMOVED	4
316	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	14	REMOVED	7
317	HACKBERRY	<i>Celtis occidentalis</i>	16	REMOVED	8
318	HACKBERRY	<i>Celtis occidentalis</i>	12	REMOVED	6
319	HACKBERRY	<i>Celtis occidentalis</i>	14	REMOVED	7
TOTAL REQUIRED MITIGATION CALIPER INCHES					662
TOTAL CALIPER INCHES PROVIDED @ MINIMUM 4" CALIPER					180
TOTAL CALIPER INCHES STILL NEEDED (OWNER WILL PAY THE CITY A TREE FUND FOR THE REMAINING CALIPER INCHES)					482

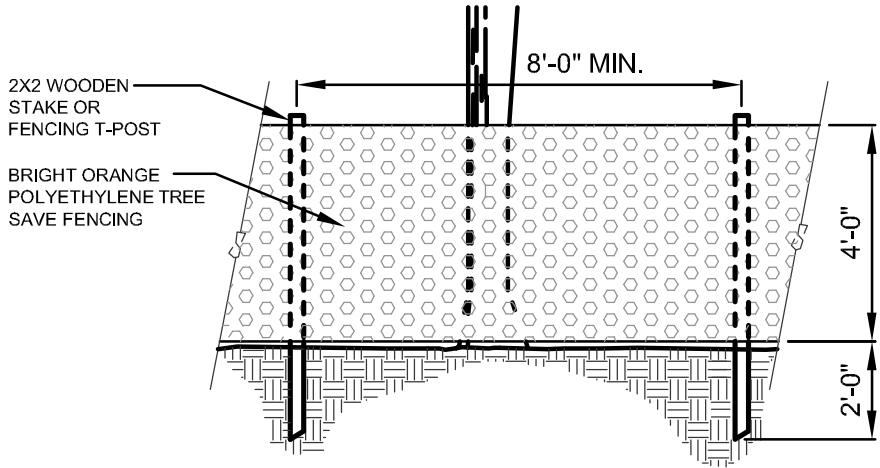
TREE PROTECTION:

A. PRIOR TO CONSTRUCTION, ALL PROTECTED TREES AS SHOWN ON THE DEMOLITION PLANS SHALL BE CLEARLY MARKED WITH A BARRIER CONSISTING OF A 4" BARRICADE FENCE OR APPROVED EQUIVALENT TO PROTECT THE AREA UNDER THE CANOPY OF DRIP LINE OF ANY PROTECTED TREE OR GROUP OF PROTECTED TREES.

B. DURING CONSTRUCTION, THE BUILDER SHALL PROHIBIT THE CLEANING OF EQUIPMENT OR STORAGE OF MATERIALS AND THE DISPOSAL OF ANY WASTE MATERIAL, INCLUDING, BUT NOT LIMITED TO, PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, ETC., UNDER THE CANOPY OR DRIP LINE OF ANY PROTECTED TREE OR GROUP OF TREES.

C. NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY PROTECTED TREE.

D. IN ADDITION, CONTRACTOR WILL BE RESPONSIBLE FOR ANY PROTECTED TREE WHICH DIES OR IS DAMAGED DUE TO CONTRACTOR NEGLIGENCE. VALUE OF DEAD AND/OR DAMAGED PROTECTED TREE SHALL BE DETERMINED USING THE "GUIDE FOR PLANT APPRAISAL" PREPARED UNDER CONTRACT BY THE COUNCIL OF TREE AND LANDSCAPE APPRAISERS AND EDITED, PUBLISHED AND COPYRIGHTED BY THE INTERNATIONAL SOCIETY OF ARBORCULTURE, NINTH EDITION, 2000.



A TREE PROTECTION SCALE: N.T.S. SECTION

TREE PRESERVATION NOTES: (SEE ARTICLE IX SECTION 5)
THE TREE MITIGATION REQUIREMENTS SHALL APPLY FOR ALL PROPERTIES THAT DO NOT FALL UNDER THE EXEMPTIONS LISTED IN SECTION 1.3. EXEMPTIONS, OF THIS ARTICLE. IN ADDITION, IF A TREESCAPES PLAN OR TREE REMOVAL PERMIT ALLOWS FOR THE REMOVAL OF A PROTECTED OR FEATURE TREE(S), THE APPLICANT AND/OR PROPERTY OWNER SHALL ACCOUNT FOR THE NUMBER OF INCHES OF TREE BEING REMOVED USING THE FOLLOWING CRITERIA:

1. PRIMARY PROTECTED TREES:
PRIMARY PROTECTED TREES MEASURING FOUR INCHES THROUGH 25 INCHES DBH SHALL BE REPLACED ON AN INCH-FOR-INCH BASIS (I.E. THE TOTAL NUMBER OF CALIPER INCHES OF TREE BEING REPLACED SHALL EQUAL THE TOTAL NUMBER OF CALIPER INCHES BEING REMOVED).

2. SECONDARY PROTECTED TREES:
FEATURED TREES (I.E. ALL TREES GREATER THAN 25 INCHES) SHALL BE REPLACED WITH TWICE THE NUMBER OF INCHES BEING REMOVED (I.E. THE TOTAL NUMBER OF CALIPER INCHES OF TREE BEING REPLACED SHALL BE TWICE THE NUMBER OF CALIPER INCHES BEING REMOVED).

3. FEATURED TREES:
FEATURED TREES (I.E. ALL TREES GREATER THAN 25 INCHES) SHALL BE REPLACED WITH TWICE THE NUMBER OF INCHES BEING REMOVED (I.E. THE TOTAL NUMBER OF CALIPER INCHES OF TREE BEING REPLACED SHALL BE TWICE THE NUMBER OF CALIPER INCHES BEING REMOVED).

4. NON-PROTECTED TREE:
NO MITIGATION WILL BE REQUIRED FOR THE REMOVAL OF ANY TREE THAT IS LESS THAN FOUR INCHES DBH OR LESS THAN 11 INCHES DBH FOR HACKBERRY AND CEDAR TREES. IN ADDITION, NO MITIGATION SHALL BE REQUIRED FOR THE REMOVAL OF BOIS D'ARC, WILLOW, COTTONWOOD, LOCUST AND CHINABERRY TREES.

TREE MITIGATION TABLE					
TAG NUMBER	COMMON NAME	BOTANICAL NAME	CALIPER INCH	ACTION	MITIGATION (*SEE NOTES)
181	HACKBERRY	<i>Celtis occidentalis</i>	12	REMOVED	6
182	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
183	HACKBERRY	<i>Celtis occidentalis</i>	10	REMOVED	EXEMPT - NOT A PROTECTED TREE
184	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
185	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
186	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
187	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	12	REMOVED	6
188	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
189	LIVE OAK	<i>Quercus virginiana</i>	16	REMOVED	16
190	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
191	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
192	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
193	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
194	LIVE OAK	<i>Quercus virginiana</i>	18	REMOVED	18
195	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
196	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
197	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
198	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
199	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
200	HACKBERRY	<i>Celtis occidentalis</i>	16	REMOVED	8
201	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
202	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
203	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
204	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
205	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
206	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
207	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
208	CEDAR ELM	<i>Ulmus crassifolia</i>	6	REMOVED	6
209	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
210	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
211	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
212	CEDAR ELM	<i>Ulmus crassifolia</i>	10	REMOVED	10
213	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
214	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
215	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
216	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
217	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
218	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
219	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
220	CEDAR ELM	<i>Ulmus crassifolia</i>	8	REMOVED	8
221	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
222	LIVE OAK	<i>Quercus virginiana</i>	4	REMOVED	4
237	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
238	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
244	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
246	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
247	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
249	LIVE OAK	<i>Quercus virginiana</i>	10	REMOVED	10
255	LIVE OAK	<i>Quercus virginiana</i>	6	REMOVED	6
256	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
257	LIVE OAK	<i>Quercus virginiana</i>	12	REMOVED	12
258	LIVE OAK	<i>Quercus virginiana</i>	8	REMOVED	8
259	LIVE OAK	<i>Quercus virginiana</i>	14	REMOVED	14
260	EASTERN RED CEDAR	<i>Juniperus virginiana</i>	12	REMOVED	6



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KENNETH R. KILLIAN, AIA
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ROOT ENGINEERING SERVICES, INC
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903-375-9303 EXT.103
CONTACT: ADAM HARRIS, PE

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REV.	DATE	ISSUE
1	12.21.18	PERMIT ISSUE
2	02.08.19	GARAGE/1ST FLR REVISIONS
3	04.12.19	TAS/CITY COMMENTS
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

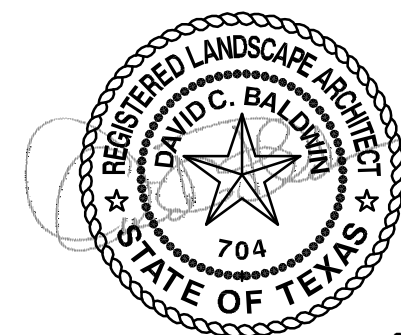
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PROJECT NUMBER
TREE PRESERVATION
PLAN

TM1.2
SHEET NUMBER
SP018-029

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04.12.19

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2018 101

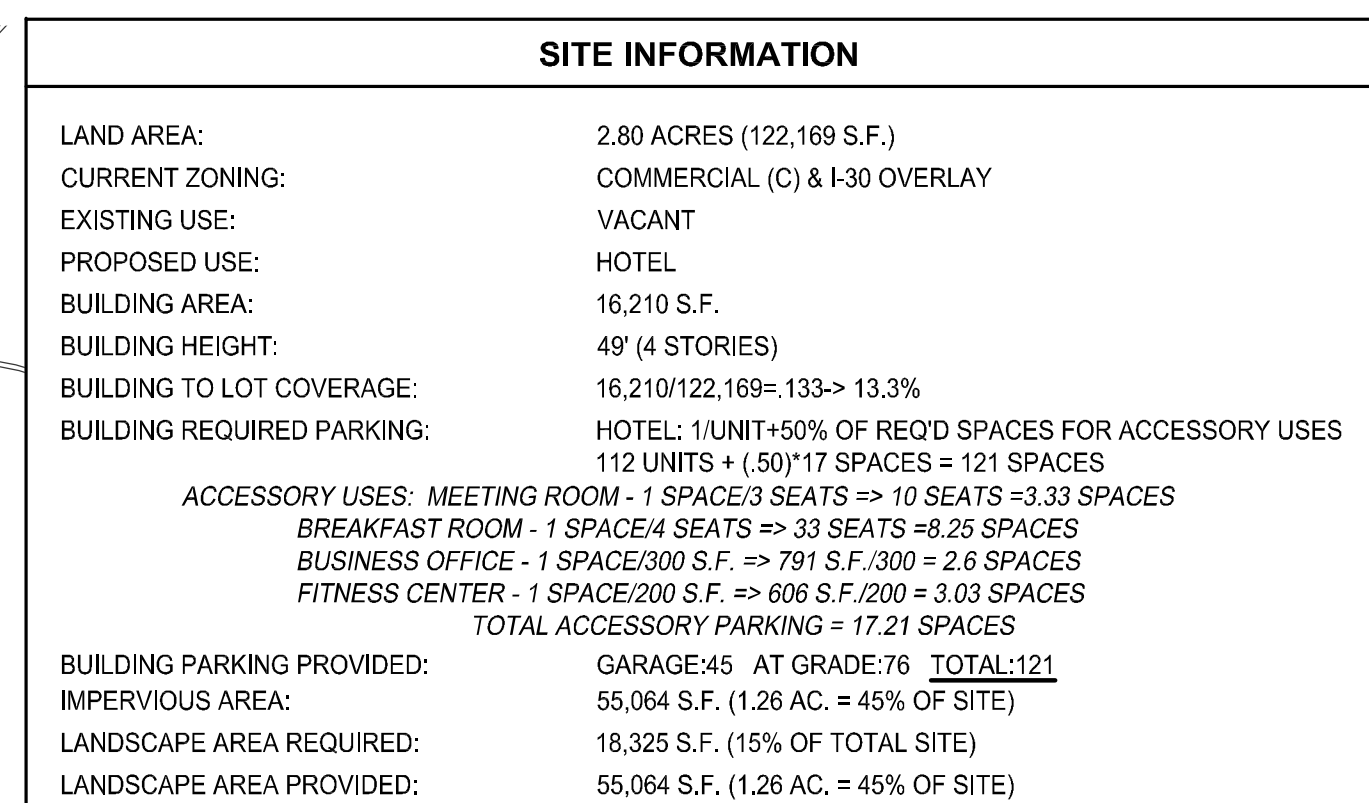
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LANDSCAPE PLAN




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SHEET NUMBER

CATEGORY	REQUIRED	PROVIDED
LANDSCAPE BUFFER	-10' LANDSCAPE BUFFER REQUIRED - ONE (1) TREE FOR EVERY 50 FEET OF STREET FRONTAGE (GREENCREST BLVD 84 L.F./50 L.F. = 1 TREE	2-CANOPY TREES TOTAL PROVIDED 59'-6" LANDSCAPE BUFFER PROVIDED
PARKING LOT LANDSCAPING	ANY PARKING LOT WITH MORE THAN TWO ROWS OF SPACES SHALL HAVE A MINIMUM OF FIVE PERCENT OR 200 SQUARE FEET, WHICHEVER IS GREATER, IN THE INTERIOR OF THE PARKING LOT IN LANDSCAPING. SUCH LANDSCAPING SHALL BE COUNTED TOWARD THE TOTAL LANDSCAPING.	7% LANDSCAPE PROVIDED



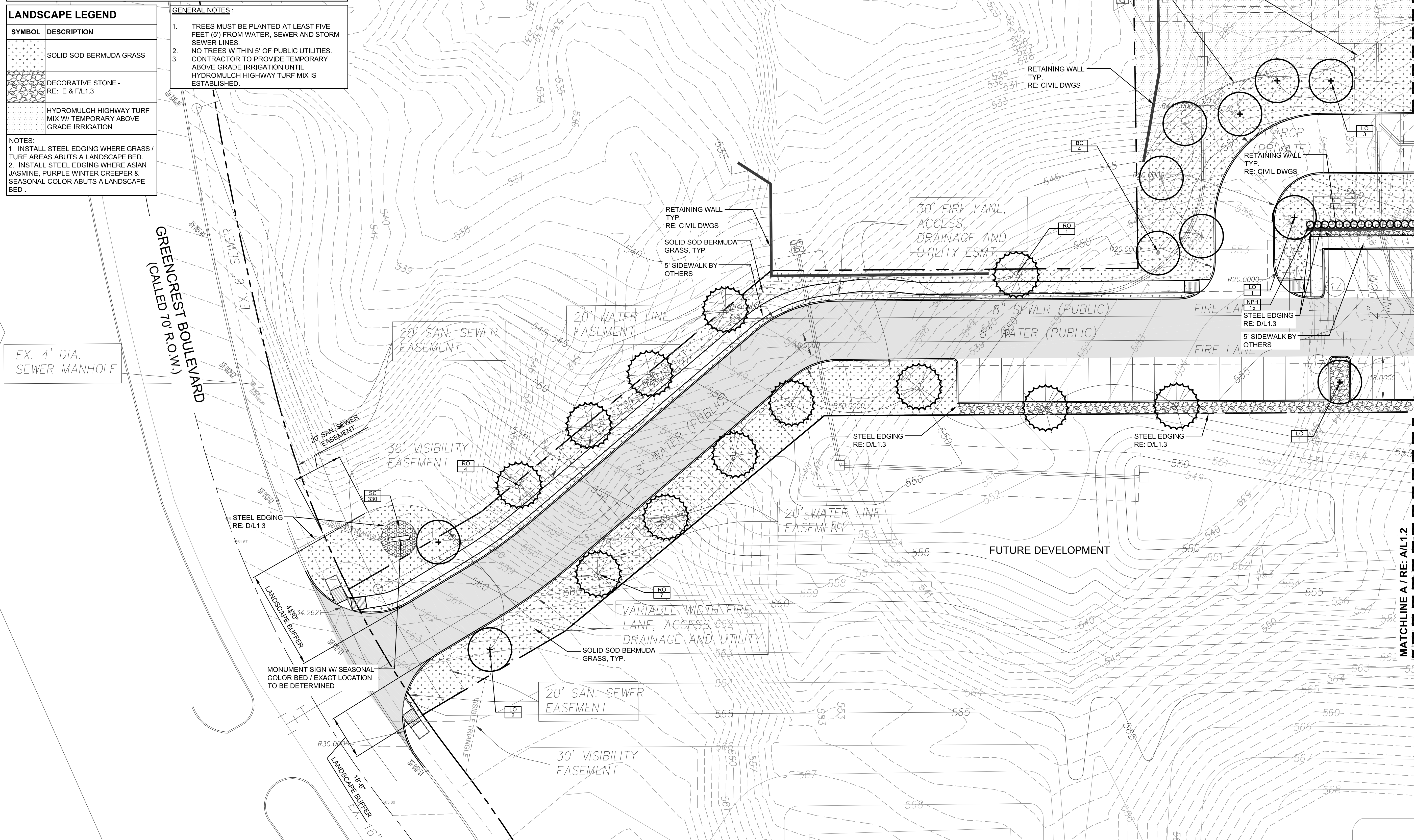
LANDSCAPE LEGEND

SYMBOL	DESCRIPTION
	SOLID SOD BERMUDA GRASS
	DECORATIVE STONE - RE: E & FL1.3
	HYDROMULCH HIGHWAY TURF MIX W/ TEMPORARY ABOVE GRADE IRRIGATION

NOTES:
 1. INSTALL STEEL EDGING WHERE GRASS /
 TURF AREAS ABUTS A LANDSCAPE BED.
 2. INSTALL STEEL EDGING WHERE ASIAN
 JASMINE, PURPLE WINTER CREEPER &
 SEASONAL COLOR ABUTS A LANDSCAPE
 BED .

GENERAL NOTES :

1. TREES MUST BE PLANTED AT LEAST FIVE FEET (5') FROM WATER, SEWER AND STORM SEWER LINES.
2. NO TREES WITHIN 5' OF PUBLIC UTILITIES.
3. CONTRACTOR TO PROVIDE TEMPORARY ABOVE GRADE IRRIGATION UNTIL HYDROMULCH HIGHWAY TURF MIX IS ESTABLISHED.



A

LANDSCAPE PLAN

SCALE: 1" = 20'-0"

PLAN VIEW



0 10 20 40
(FEET)
1 inch = 20 ft.

SITE INFORMATION	
LAND AREA:	2.80 ACRES (122,169 S.F.)
CURRENT ZONING:	COMMERCIAL (C) & I-30 OVERLAY
EXISTING USE:	VACANT
PROPOSED USE:	HOTEL
BUILDING AREA:	16,210 S.F.
BUILDING HEIGHT:	49' (4 STORIES)
BUILDING TO LOT COVERAGE:	16,210/122,169= 13.3%
BUILDING REQUIRED PARKING:	HOTEL: 1/UNIT=50% OF REQD SPACES FOR ACCESSORY USES 112 UNITS * (50%) 17 SPACES = 121 SPACES
ACCESSORY USES: MEETING ROOM - 1 SPACE/3 SEATS => 10 SEATS = 3.33 SPACES BREAKFAST ROOM - 1 SPACE/4 SEATS => 33 SEATS = 8.25 SPACES BUSINESS OFFICE - 1 SPACE/300 S.F. => 791 S.F./300 = 2.6 SPACES FITNESS CENTER - 1 SPACE/200 S.F. => 606 S.F./200 = 3.03 SPACES TOTAL ACCESSORY PARKING = 17.21 SPACES	
BUILDING PARKING PROVIDED:	GARAGE:45 AT GRADE:76 TOTAL:121
IMPERVIOUS AREA:	55,064 S.F. (1.26 AC. = 45% OF SITE)
LANDSCAPE AREA REQUIRED:	18,325 S.F. (15% OF TOTAL SITE)
LANDSCAPE AREA PROVIDED:	55,064 S.F. (1.26 AC. = 45% OF SITE)

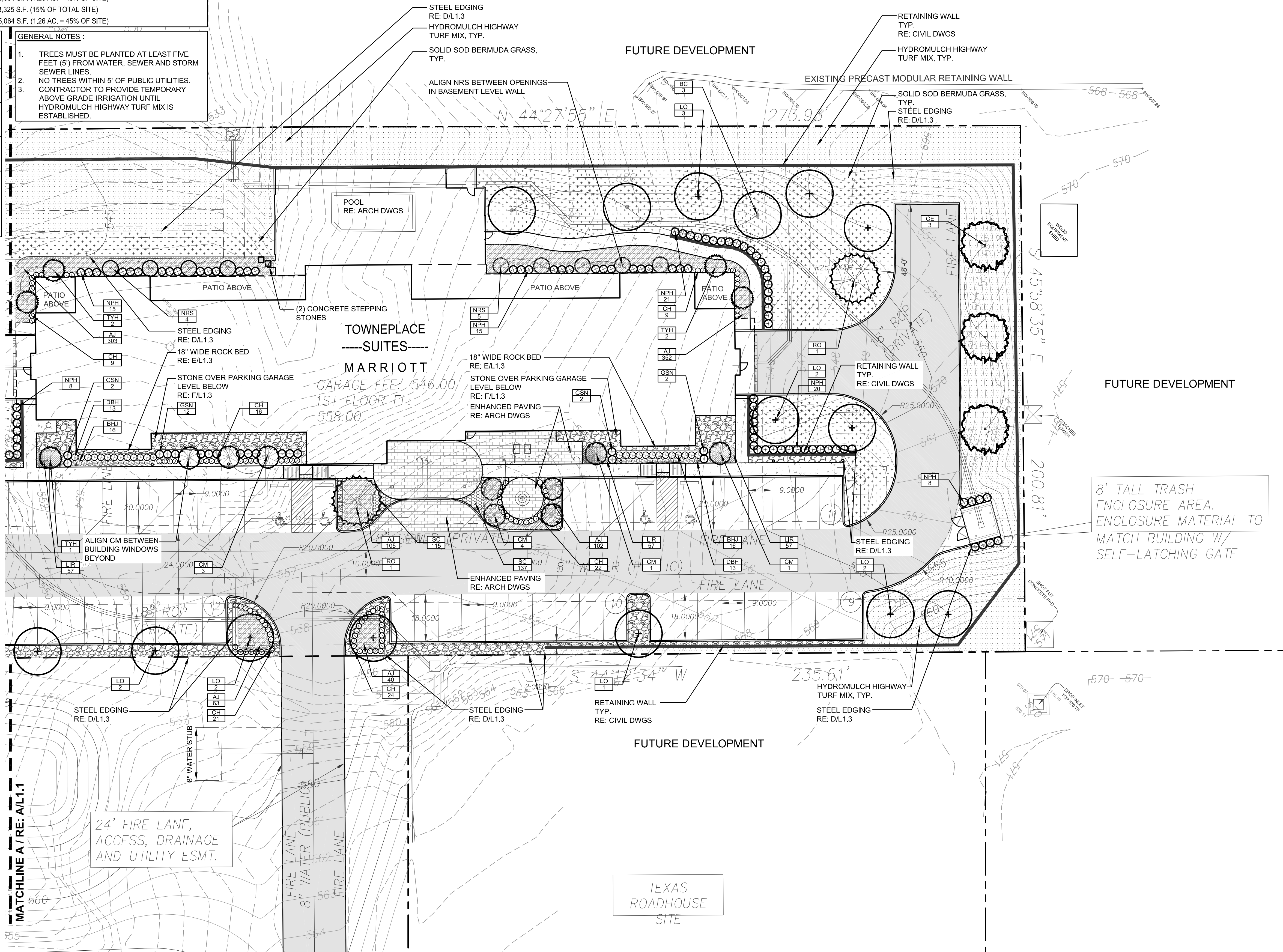
LANDSCAPE LEGEND	
SYMBOL	DESCRIPTION
	SOLID SOD BERMUDA GRASS
	DECORATIVE STONE - RE: E & F/L1.3
	HYDROMULCH HIGHWAY TURF MIX W/ TEMPORARY ABOVE GRADE IRRIGATION
NOTES: 1. INSTALL STEEL EDGING WHERE GRASS / TURF AREAS ABUTS A LANDSCAPE BED. 2. INSTALL STEEL EDGING WHERE ASIAN JASMINE, PURPLE WINTER CREEPER & SEASONAL COLOR ABUTS A LANDSCAPE BED.	

GENERAL NOTES :

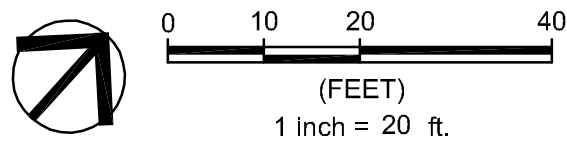
- TREES MUST BE PLANTED AT LEAST FIVE FEET (5') FROM WATER, SEWER AND STORM SEWER LINES.
- NO TREES WITHIN 5' OF PUBLIC UTILITIES.
- CONTRACTOR TO PROVIDE TEMPORARY ABOVE GRADE IRRIGATION UNTIL HYDROMULCH HIGHWAY TURF MIX IS ESTABLISHED.

CITY OF ROCKWALL LANDSCAPE ORDINANCE

CATEGORY	REQUIRED	PROVIDED
LANDSCAPE BUFFER	-10' LANDSCAPE BUFFER REQUIRED - ONE (1) TREE FOR EVERY 50 FEET OF STREET FRONTAGE (GREENCREST BLVD 84 L.F./50 L.F. = 1 TREE	2-CANOPY TREES TOTAL PROVIDED 59'-6" LANDSCAPE BUFFER PROVIDED
PARKING LOT LANDSCAPING	ANY PARKING LOT WITH MORE THAN TWO ROWS OF SPACES SHALL HAVE A MINIMUM OF FIVE PERCENT OR 200 SQUARE FEET, WHICHEVER IS GREATER, IN THE INTERIOR OF THE PARKING LOT IN LANDSCAPING. SUCH LANDSCAPING SHALL BE COUNTED TOWARD THE TOTAL LANDSCAPING.	7% LANDSCAPE PROVIDED



A LANDSCAPE PLAN
SCALE: 1"= 20'-0"
PLAN VIEW



ARCHITECT



KILLIAN
STUDIO OF ARCHITECTURE
KEN KILLIAN STUDIO OF ARCHITECTURE
30670 N. CENTRAL EXPWY | SUITE 600
DALLAS, TEXAS 75231
214.457.3652

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF THE ARCHITECT. THEY SHALL NOT BE USED, TRANSFERRED, OR SOLD FOR USE EXCEPT BY AN AGREEMENT IN WRITING FROM THE ARCHITECT.

KENNETH R. KILLIAN, AIA
TX REG. NO. 19489



04.12.19
OWNER
TEKMAK DEVELOPMENT COMPANY
10,000 N CENTRAL, SUITE 400
DALLAS, TEXAS 75231
214/890-9225 OFFICE
CONTACT: THOMAS KIRKLAND

MARRIOTT
MARRIOTT GLOBAL DESIGNS AMERICA
10400 FERNWOOD ROAD
BETHESDA, MD, 20817
(712) 899-1626
CONTACT: - MICHAEL STEINKAMP

CIVIL ENGINEER
FC CUNY CORPORATION
#2 HORIZON COURT, STE 500
HEATH, TEXAS 75032
(469) 402-7700
CONTACT: CHRIS CUNY, P.E.

STRUCTURAL ENGINEER
MK ENGINEERS AND ASSOCIATES, INC
400 CHISHOLM PLACE, SUITE 106
PLANO, TX 75075
214-501-3354
CONTACT: MOHAMMAD KABIR, PE

MEP ENGINEER
ROOT ENGINEERING SERVICES, INC
45 FM 3356
VAN ALSTYNE, TX 75495
903-375-9303 EXT.103
CONTACT: ADAM HARRIS, PE

TOWNEPLACE SUITES®
BY MARRIOTT

PROJECT

**TOWNEPLACE SUITES
BY MARRIOTT
ROCKWALL, TEXAS**

PROJECT ADDRESS
**I-30 HIGHWAY
ROCKWALL, TEXAS**

REV.	DATE	ISSUE
1	12.21.18	PERMIT ISSUE
2	02.08.19	GARAGE/1ST FLR REVISIONS
3	04.12.19	TAS/CITY COMMENTS

2018.101
PROJECT NUMBER
LANDSCAPE PLAN

L1.2
SHEET NUMBER
SR2018-029

STUDIO OF ARCHITECTURE

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF THE ARCHITECT. THEY SHALL NOT BE USED, TRANSFERRED, OR SOLD FOR USE EXCEPT BY AN AGREEMENT IN WRITING FROM THE ARCHITECT.

SEAL



PANY

MARRIOTT

CONTACT: - MICHAEL STEINKAMP

FC CLINY CORPORATION

CONTACT: CHRIS CUNY, P.E.

LEEDS AND ASSOCIATES, INC.

CONTACT: MOHAMMAD KABIR, PE

ROOT ENGINEERING SERVICES, INC.

003 375 0303 EXT 103

BY MARRIOTT

PROJECT

ROCKWALL, TEXAS

PROJECT ADDRESS

DATE	DESCRIPTION	AMOUNT
10/1/10	10/1/10	10/1/10
10/2/10	10/2/10	10/2/10
10/3/10	10/3/10	10/3/10
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12/22/10	12/22/10	12/22/10
12/23/10	12/23/10	12/23/10
12/24/10		

REV.	DATE	ISSUE

PROJECT NUMBER

& NOTES

140

140

113

End

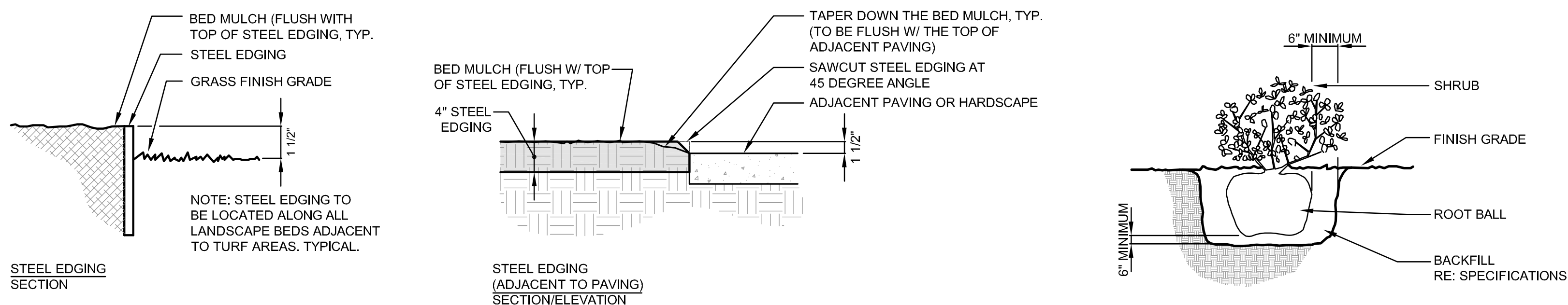
SHEET NUMBER

KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
LO	19	LIVE OAK	<i>Quercus virginiana</i>	100 gallon; minimum 4" caliper x 15' height x 6' spread	Full head; matched.
RO	14	SHUMARD RED OAK	<i>Quercus shumardii</i>	Minimum 4" caliper x 15' height x 6' spread.	Container-grown; full head; matched. Cherry Lake Tree Farm or approved equal.
CE	3	CEDAR ELM	<i>Ulmus crassifolia</i>	Minimum 4" caliper x 16' height x 7' spread	Field-collected, B&B; full head; matched.
BC	7	BALD CYPRESS	<i>Taxodium distichum</i>	Minimum 4" caliper x 11' height x 5' spread.	Field-collected, B&B; full head; matched.
CM	9	'MUSKOGEE' CRAPE MYRTLE	<i>Lagerstroemia indica</i> 'Muskogee'	30 gallon; minimum 7" height x 3' spread; single-trunk.	Container grown; full; multi-trunk.
TYH	5	TREE YAUPON HOLLY	<i>Ilex vomitoria</i>	Minimum 10' height x 6' spread.	Field-collected; berried; multi-trunk (3-5 canes); matched.
NRS	9	NELLIE R. STEVENS HOLLY	<i>Ilex 'Nellie R. Stevens'</i>	30 gallon; Minimum 6' height and 3' spread.	Container-grown; matched; full-to-ground.
NPH	101	NEEDLE POINT HOLLY	<i>Ilex comuta</i> 'Needlepoint'	7 gallon; minimum 36" height and 30" spread	Full-to-ground; plant 36" o.c.
GSN	18	'FLIRT' NANDINA	<i>Nandina domestica</i> 'Murasaki'	5 gallon; minimum 15" height and 15" spread.	Full; plant 30" o.c.
DBH	26	DWARF BUFORD HOLLY	<i>Ilex comuta</i> 'Burfordii' nana	5 gallon; minimum 15" height x 15" spread.	Full; plant 30 o.c.
BHJ	32	BAR HARBOR JUNIPER	<i>Juniperus horizontalis</i> 'Bar Harbor'	5 gallon.	Full-to-ground; plant 24" o.c.
CH	101	CARISSA HOLLY	<i>Ilex comuta</i> 'Carissa'	3 gallon.	Full; plant 24" o.c.
AJ	963	ASIAN JASMINE	<i>Trachelospermum asiaticum</i>	1 gallon; minimum 3 runners at 12" long.	Full; plant 18" o.c.
LIR	171	'BIG BLUE' LIRIOPE	<i>Liriope muscari</i> 'Big Blue'	4" pots.	Full; plant 12" o.c.
SC	252	SEASONAL COLOR	<i>To be determined</i>	1 gallon.	Full; ready to bloom; plant 15" o.c.

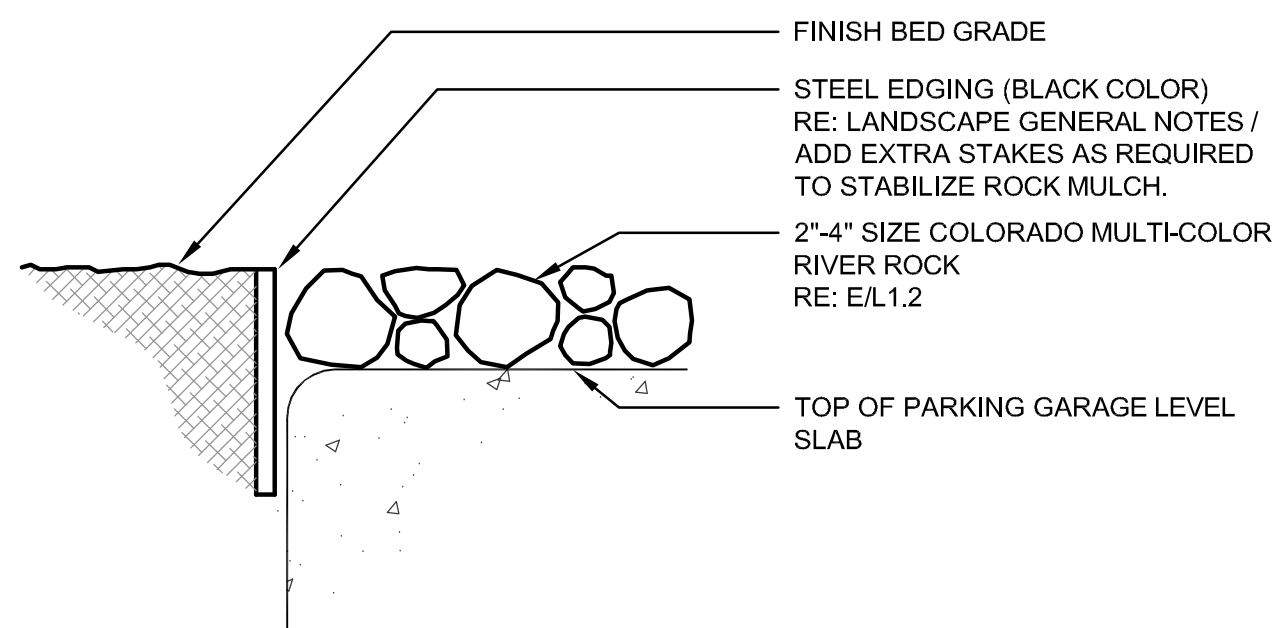


B TREE STAKING DETAIL

SCALE: N.T.S. SECTION/ELEVATION

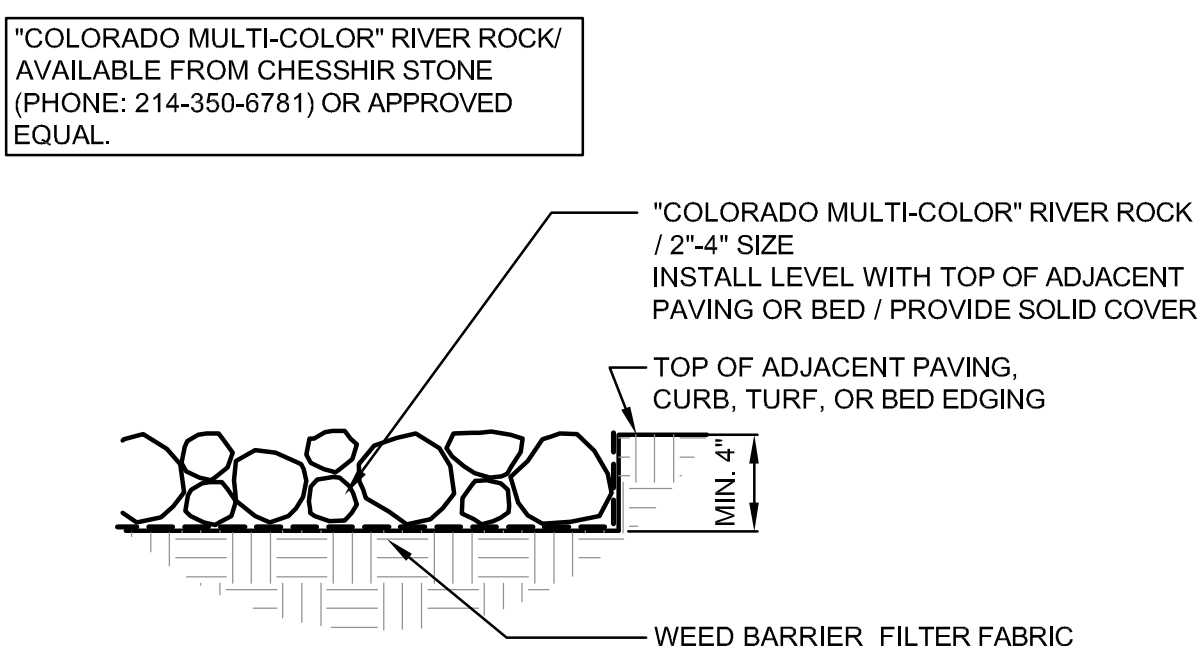


D STEEL EDGING



**ROCK BED AT
PARKING GARAGE LEVEL**

F **SCALE: N.T.S.** **SECTION**



E DECORATIVE STONE
SCALE: N.T.S. **SECTION**

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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: July 15, 2019
APPLICANT: Bill Bricker; *Columbia Development Co, LLC*
CASE NUMBER: P2019-026; *Lots 1-12, Park Station, Phase 1 Addition*

SUMMARY

Discuss and consider a request by Bill Bricker of Columbia Development Co., LLC for the approval of a preliminary plat for Lots 1-12, Block A, Park Station, Phase 1 Addition, being a 16.26-acre tract of land identified as a portion of Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 for Light Industrial (LI) District land uses, addressed as 1100 & 1300 E. Washington Street, and take any action necessary.

PLAT INFORMATION

- ☒ The applicant is requesting to preliminary plat a 16.26-acre tract of land (*i.e. a portion of Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29*) into 12 lots (*i.e. Lots 1-12, Block A, Park Station Addition*) for the purpose of establishing a lot layout for a townhome development (*i.e. Park Station, Phase 1*). The preliminary plat also depicts the remainder of the 16.26-acre subject property and the proposed mixed-use development that will consist of residential, retail, office, and industrial land uses. These are depicted on Tracts 2-5. In addition, the applicant has submitted preliminary drainage and utility plans showing how the property can be adequately served.
- ☒ The subject property was annexed in 1960 [*Ordinance No. 60-01*]. On November 19, 2018, the City Council approved a change in zoning from a Light Industrial (LI) District to Planned Development District 87 (PD-87) for Single-Family 10 (SF-10), General Retail (GR), and Light Industrial (LI) District land uses.
- ☒ On July 2, 2019, the Parks and Recreation Board reviewed the preliminary plat and made the following recommendation:
 - The developer shall pay pro-rata equipment fees of \$6,191.00 (*i.e. \$516.00 x 12 lots*) to be paid at the time of final plat.
- ☒ The surveyor has completed the majority of the technical revisions requested by staff, and this plat - *conforming to the requirements for final plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☒ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☒ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

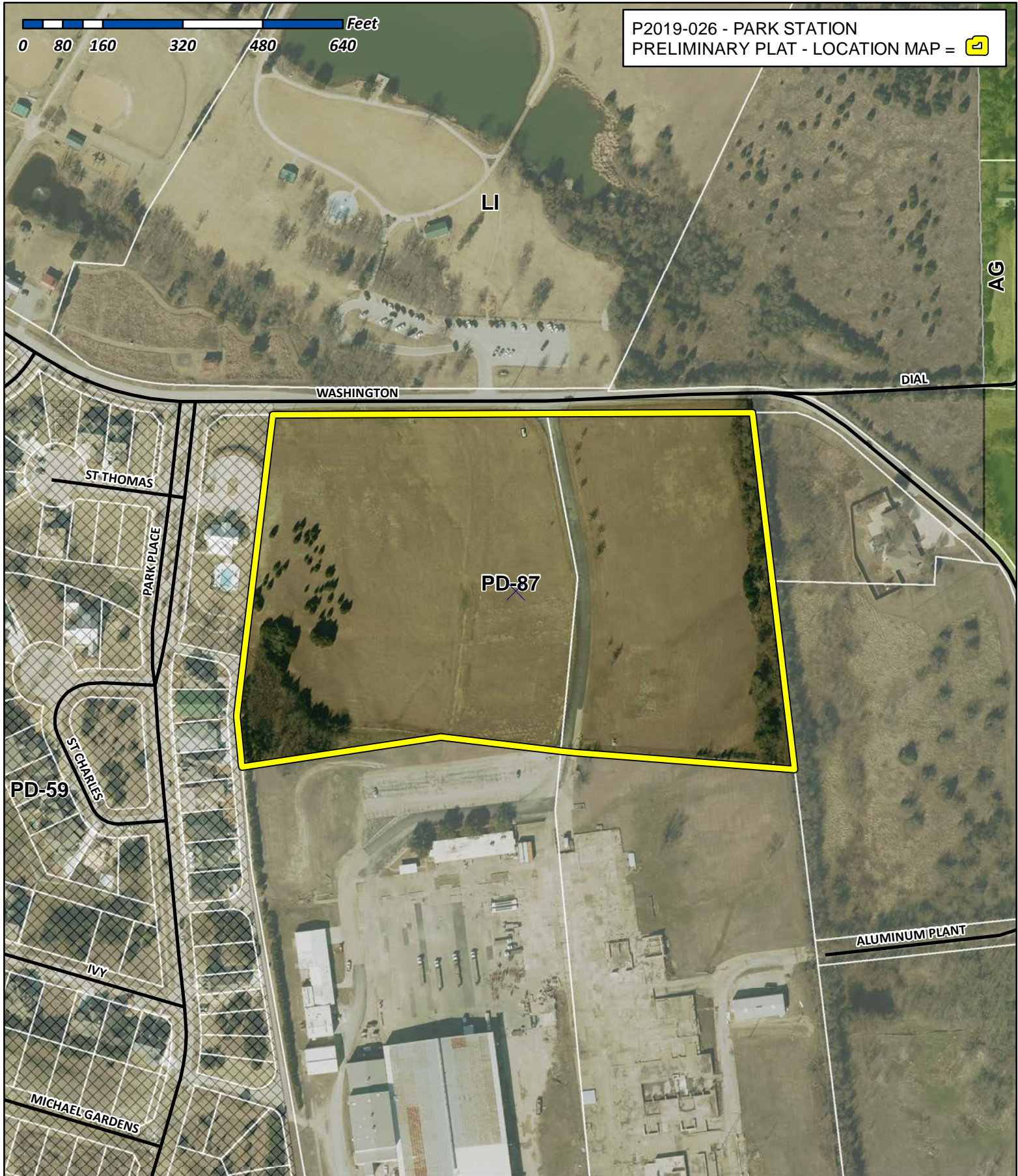
CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the preliminary plat for *Lots 1-12, Block A, Park Station Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
- (2) The development shall adhere to the recommendations of the Parks and Recreation Board;
- (3) The Park and Recreations Board shall accept the proposed 0.02-acre land dedication; and
- (4) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On July 9, 2019, the Planning and Zoning Commission approved a motion to recommend approval of the preliminary plat by a vote of 6-0, with Commissioner Fishman absent.

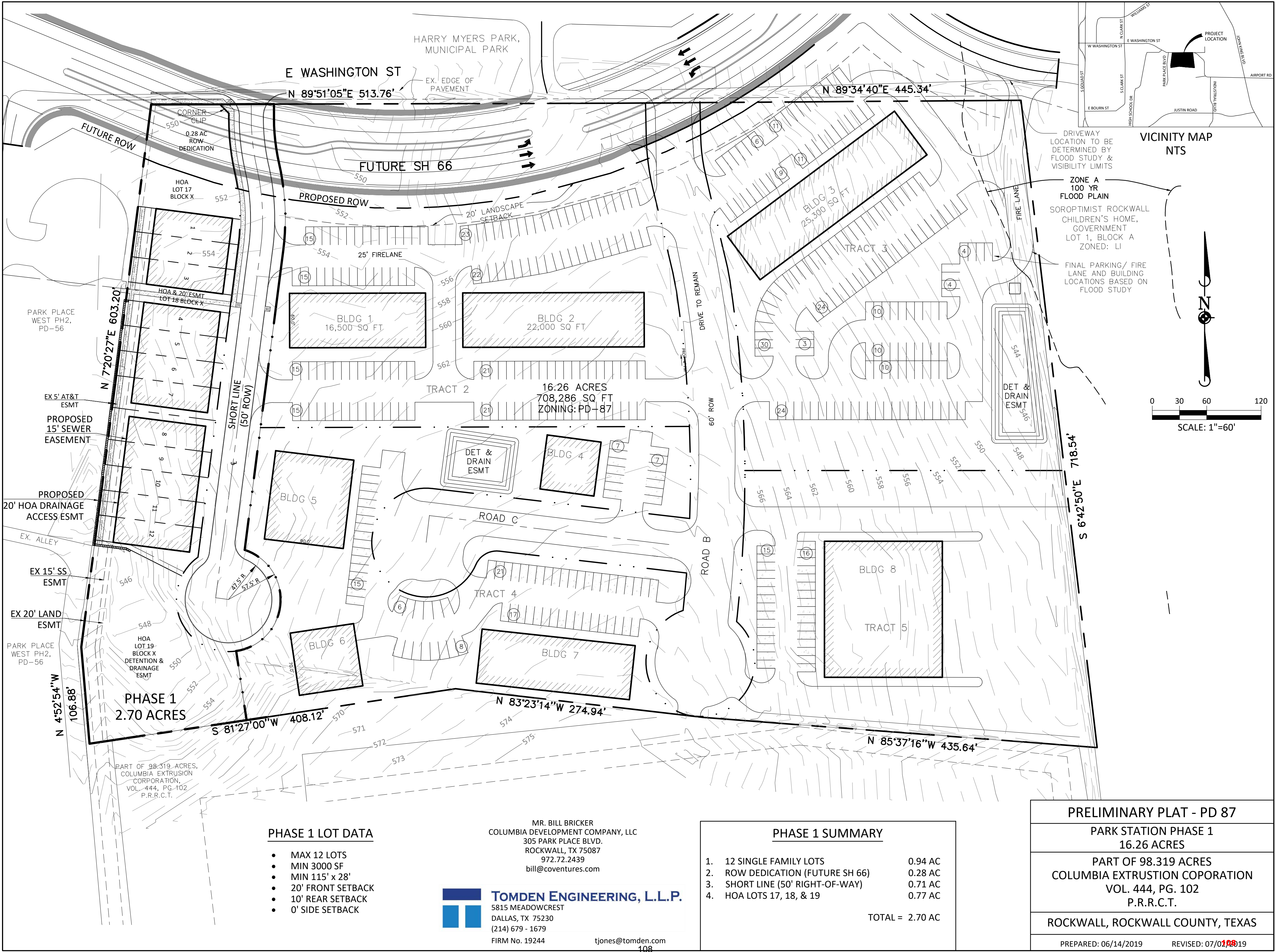


City of Rockwall

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

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





PHASE 1 LOT DATA

- MAX 12 LOTS
- MIN 3000 SF
- MIN 115' x 28'
- 20' FRONT SETBACK
- 10' REAR SETBACK
- 0' SIDE SETBACK

MR. BILL BRICKER
COLUMBIA DEVELOPMENT COMPANY, LLC
305 PARK PLACE BLVD.
ROCKWALL, TX 75087
972.72.2439
bill@coventures.com

TOMDEN ENGINEERING, L.L.P.
5815 MEADOWCREST
DALLAS, TX 75230
(214) 679 - 1679
FIRM No. 19244

tjones@tomden.com
108

PHASE 1 SUMMARY

1.	12 SINGLE FAMILY LOTS	0.94 AC
2.	ROW DEDICATION (FUTURE SH 66)	0.28 AC
3.	SHORT LINE (50' RIGHT-OF-WAY)	0.71 AC
4.	HOA LOTS 17, 18, & 19	0.77 AC
TOTAL = 2.70 AC		

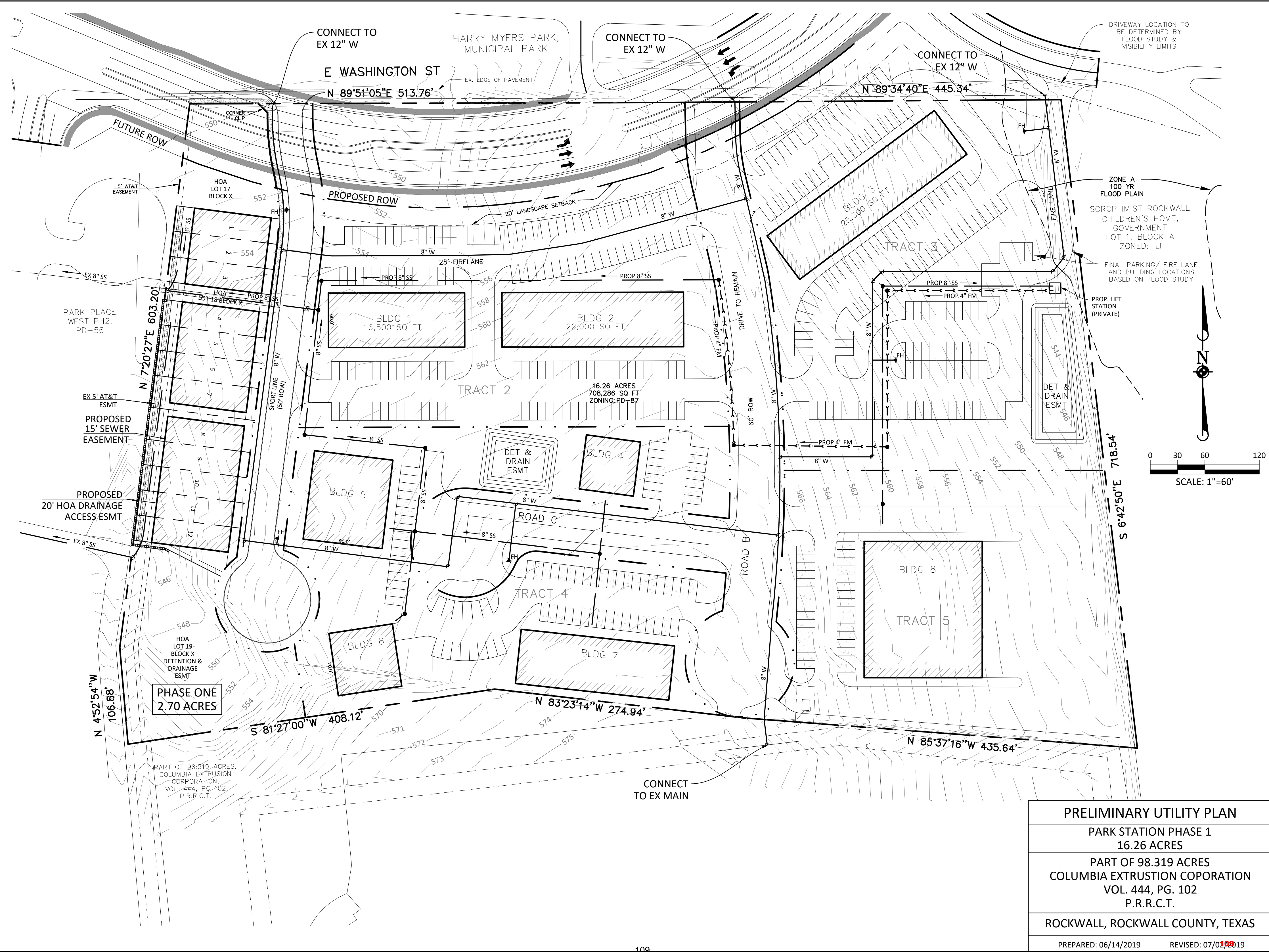
PRELIMINARY PLAT - PD 87

PARK STATION PHASE 1
16.26 ACRES

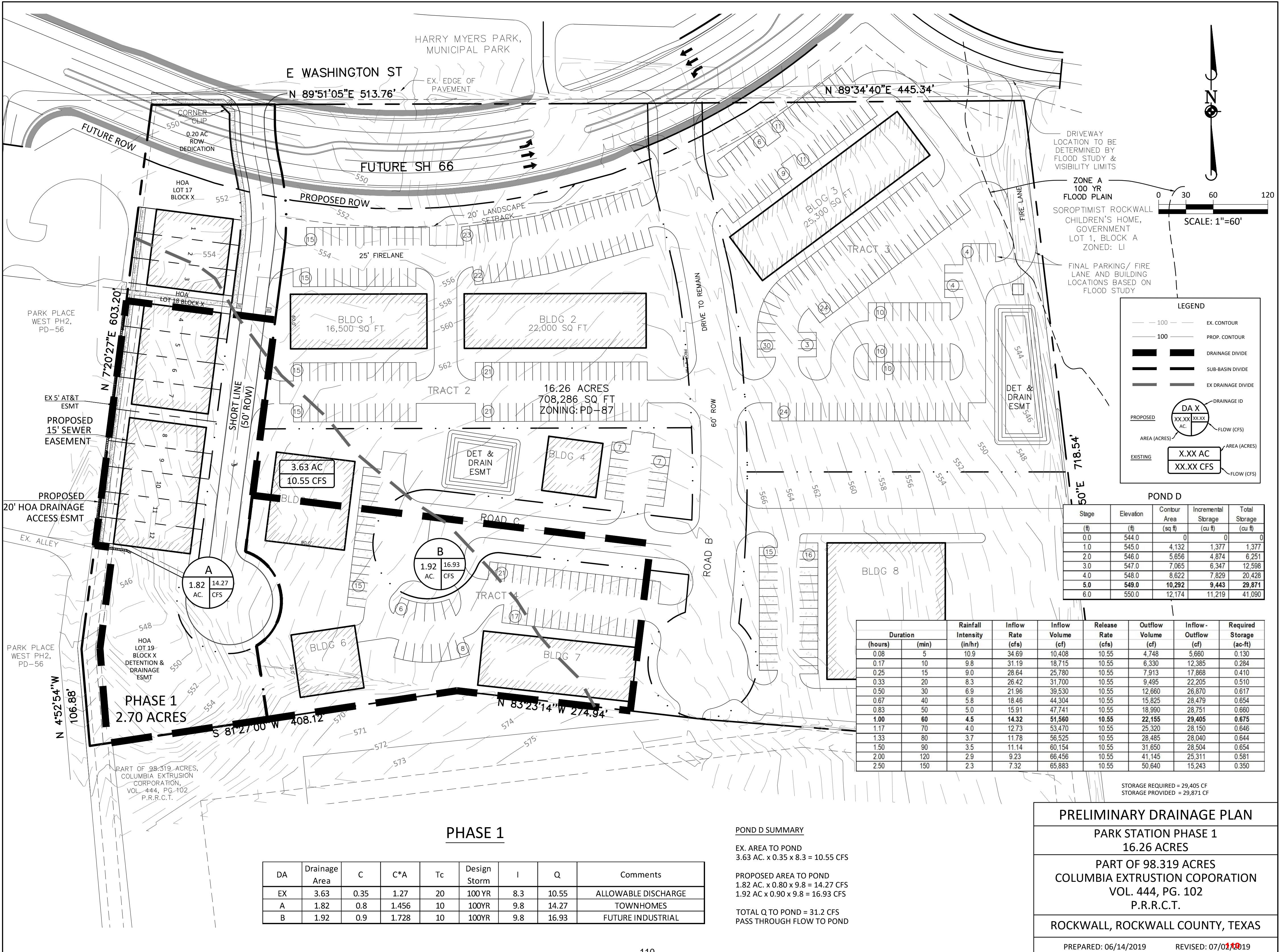
PART OF 98.319 ACRES
COLUMBIA EXTRUSION COPORATION
VOL. 444, PG. 102
P.R.R.C.T.

ROCKWALL, ROCKWALL COUNTY, TEXAS

PREPARED: 06/14/2019 REVISED: 07/01/2019



PRELIMINARY UTILITY PLAN
PARK STATION PHASE 1 16.26 ACRES
PART OF 98.319 ACRES COLUMBIA EXTRUSION COPORATION VOL. 444, PG. 102 P.R.R.C.T.
ROCKWALL, ROCKWALL COUNTY, TEXAS
PREPARED: 06/14/2019 REVISED: 07/01/2019



DA	Drainage Area	C	C*A	Tc	Design Storm	I	Q	Comments
EX	3.63	0.35	1.27	20	100 YR	8.3	10.55	ALLOWABLE DISCHARGE
A	1.82	0.8	1.456	10	100YR	9.8	14.27	TOWNHOMES
B	1.92	0.9	1.728	10	100YR	9.8	16.93	FUTURE INDUSTRIAL

POND D SUMMARY

EX. AREA TO POND
3.63 AC. x 0.35 x 8.3 = 10.55 CFS

PROPOSED AREA TO POND
1.82 AC. x 0.80 x 9.8 = 14.27 CFS
1.92 AC x 0.90 x 9.8 = 16.93 CFS

TOTAL Q TO POND = 31.2 CFS
PASS THROUGH FLOW TO POND

Stage	Elevation	Contour Area	Incremental Storage	Total Storage
(ft)	(ft)	(sq ft)	(cu ft)	(cu ft)
0.0	544.0	0	0	0
1.0	545.0	4,132	1,377	1,377
2.0	546.0	5,656	4,874	6,251
3.0	547.0	7,065	6,347	12,598
4.0	548.0	8,622	7,829	20,428
5.0	549.0	10,292	9,443	29,871
6.0	550.0	12,174	11,219	41,090

Duration		Rainfall Intensity	Inflow Rate	Inflow Volume	Release Rate	Outflow Volume	Inflow - Outflow	Required Storage
(hours)	(min)	(in/hr)	(cfs)	(cf)	(cfs)	(cf)	(cf)	(ac-ft)
0.08	5	10.9	34.69	10,408	10.55	4,748	5,660	0.130
0.17	10	9.8	31.19	18,715	10.55	6,330	12,385	0.284
0.25	15	9.0	28.64	25,780	10.55	7,913	17,868	0.410
0.33	20	8.3	26.42	31,700	10.55	9,495	22,205	0.510
0.50	30	6.9	21.96	39,530	10.55	12,660	26,870	0.617
0.67	40	5.8	18.46	44,304	10.55	15,825	28,479	0.654
0.83	50	5.0	15.91	47,741	10.55	18,990	28,751	0.660
1.00	60	4.5	14.32	51,560	10.55	22,155	29,405	0.675
1.17	70	4.0	12.73	53,470	10.55	25,320	28,150	0.646
1.33	80	3.7	11.78	56,525	10.55	28,485	28,040	0.644
1.50	90	3.5	11.14	60,154	10.55	31,650	28,504	0.654
2.00	120	2.9	9.23	66,456	10.55	41,145	25,311	0.581
2.50	150	2.3	7.32	65,883	10.55	50,640	15,243	0.350

STORAGE REQUIRED = 29,405 CF
STORAGE PROVIDED = 29,871 CF

PRELIMINARY DRAINAGE PLAN

PARK STATION PHASE 1
16.26 ACRES

PART OF 98.319 ACRES
COLUMBIA EXTRUSION COPORATION
VOL. 444, PG. 102
P.R.R.C.T.

ROCKWALL, ROCKWALL COUNTY, TEXAS

PREPARED: 06/14/2019 REVISED: 07/01/2019

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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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: July 15, 2019

SUBJECT: Legislative Update for Planning and Zoning Related Bills and Article IX, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances

This action item is intended to allow the City Council to discuss and provide staff with direction concerning the work session items on the Legislative Update for Planning and Zoning related bills and amendments to Article IX, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances.

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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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: July 15, 2019

SUBJECT: SP2019-014; *Variance for a Retail Shopping Center and House of Worship*

On June 25, 2019, the Planning and Zoning Commission approved a site plan for a retail shopping center and house of worship on a 2.681-acre tract of land located on the north side of Turtle Cove Boulevard. As part of this case, the applicant was requesting the approval of a variance to the roof design standards stipulated for the Scenic Overlay (SOV) District. These standards require that "... (a)ll structures that have a building footprint of less than 6,000 SF ... be constructed with a pitched roof." In this case, the proposed retail shopping center has a building footprint of 4,535 SF, and the requested variance was to allow the applicant to construct the building with a flat roof. Since the variance was located within an overlay district, it required approval by a supermajority vote (*i.e. three-fourths vote of those members present*) of the Planning and Zoning Commission. The motion to approve the site plan and all associated variances passed by a vote of 5-2, with Commissioners Lyons and Fishman dissenting. While a simple majority vote was required to approve the site plan, the vote on the variance failed to get the required supermajority vote (*i.e. 6 out of 7 Commissioners*). Per the requirements of Subsection 6.16, *Variances to the General Overlay District Standards*, of Article V, *District Development Standards*, of the Unified Development Code (UDC), the applicant is appealing the decision to the City Council. Staff should reiterate that the City Council is only voting on the variance to the roof design standards (*i.e. if the building should have a pitched roof or a flat roof*), and that this decision is discretionary decision for the City Council. Staff should also note that in order to approve the variance, the City Council will be required to approve the variance by a supermajority vote (*i.e. three-fourths majority of all those members present*). Finally, staff should point out that the Architectural Review Board did review the variance request on June 11, 2019 and voted 6-0 (*with Board Member Neill absent*) to recommend approval of the variance. Should the City Council have any questions concerning this case, staff and the applicant will be available at the July 15, 2019 City Council meeting.

From: [Ahmed Helaluzzaman](#)
To: [Gonzales, David](#)
Cc: [Miller, Ryan](#); [Brooks, Korey](#); [Abdul Lateef Khan](#); [DrSyed Mansur Hussaini](#); [Diyab \(David\) Srouji](#); [usman.akhtar20@gmail.com](#)
Subject: Re: Center for Peace & Marcy, Inc.: Flat Roof Design Approval Request as a Variance
Date: Thursday, June 27, 2019 2:59:17 PM
Attachments: [image003.png](#)
[image004.png](#)
[Areal Map.pdf](#)

David,

Thank you for your quick clarification on the Property is within the SOV District and to follow the standard. There are other two vital reason we have mentioned as well to consider and those are as follows.

1. Enclosed the Partial Areal View showing lot of buildings (less than 6,000 sf.) have Flat Roofs either SOV or IH30 Overlay District area.
2. Also shown on the Eastside of this property (510 & 500 Turtle Cove Blvd.) have got 2-Storied big buildings with Flat Roof. Flat Roof influence is visible while you are driving along the Turtle Cove Blvd. road.

We are looking forward to consider the Flat Roof as we have designed and get the approval. Please let us know for any further question.

Thank you.

Sincerely,

Ahmed Helaluzzaman

B. ARCH; [M.SC](#) (URBAN PLANNING); UPDA Grade 'A' (Qatar); LEED AP & BD+C (USA)

amazing concept

12300 Ford Road, Ste #267

Dallas, Tx 75234

Mobile: **817.808 0811**

Email: akm.helaluzzaman@gmail.com

On Thu, Jun 27, 2019 at 2:12 PM Gonzales, David <DGonzales@rockwall.com> wrote:

Mr. Helzluzzaman,

Thank you for calling and as we discussed, the subject property's land is located within the overlay district's boundary and therefore, requires compliance with the standards of the Scenic Overlay (SOV) District.

Thank you,

DAVID GONZALES, AICP



PLANNING & ZONING MANAGER

PLANNING & ZONING DIVISION • CITY OF ROCKWALL

972.772.6488 OFFICE

DGONZALES@ROCKWALL.COM

385 S. GOLIAD STREET • ROCKWALL, TX 75087

HELPFUL LINKS | [CITY OF ROCKWALL WEBSITE](#) | [PLANNING & ZONING DIVISION WEBSITE](#) | [MUNICIPAL CODE WEBSITE](#)
[GIS DIVISION WEBSITE](#) | [CITY OF ROCKWALL INTERACTIVE MAPS](#) | [MAIN STREET DIVISION](#)

From: Ahmed Helaluzzaman [mailto:akm.helaluzzaman@gmail.com]

Sent: Thursday, June 27, 2019 1:55 PM

To: Miller, Ryan <RMiller@rockwall.com>

Cc: Brooks, Korey <kbrooks@rockwall.com>; Gonzales, David <DGonzales@rockwall.com>; Abdul Lateef Khan <hafzab@hotmail.com>; DrSyed Mansur Hussaini <drshussaini@gmail.com>; Diyab (David) Srouji <d-srouji@sbcglobal.net>; usman.akhtar20@gmail.com

Subject: Center for Peace & Marcy, Inc.: Flat Roof Design Approval Request as a Variance

Dear Mr. Ryan Miller,

We do appreciate you and your entire team for helping us to get approval of the Site Plan for the above mentioned subject community organization. Now we are requesting to approve the Flat Roof Design item for the following reasonable reasons.

Here we have enclosed the Partial Zoning Map showing that the Building is located outside the Scenic Overlay (SOV) District. In that case this building may not need any variance. We also enclosed the Partial Aerial View showing lot of buildings (less than 6,000 sf.) have Flat Roofs either SOV or IH30 Overlay District area.

On the Eastside of this property (510 & 500 Turtle Cove Blvd.) have got 2-Storied big buildings with Flat Roof. Flat Roof influence is visible while you are driving along the Turtle Cove Blvd. road.

Please accept our Flat Roof design and approve the only variance request. Let us know for any

question.

Thank you.

Sincerely,

Ahmed Helaluzzaman

B. ARCH; [M.SC](#) (URBAN PLANNING); UPDA Grade 'A' (Qatar); LEED AP & BD+C (USA)

amazing concept

12300 Ford Road, Ste #267

Dallas, Tx 75234

Mobile: **817.808 0811**

Email: akm.helaluzzaman@gmail.com

On Wed, Jun 26, 2019 at 4:35 PM Gonzales, David <DGonzales@rockwall.com> wrote:

Mr. Helaluzzaman,

As per our conversation this morning, I want to be sure that it was understood what the Planning and Zoning Commission approved and what your options are as you move forward with the site plan process. As you know during last night's meeting, the Planning and Zoning Commission made a motion to approve the site plan request, which included the variance as requested for not meeting the roof standards of the Scenic Overlay (SOV) District. The Planning and Zoning Commission's motion to approve the site plan had passed by a vote of 5 to 2, with Commissioners Lyons and Fishman voting against. However, the variance to the SOV required an approval of a super majority vote (i.e. $\frac{3}{4}$ majority or 6 of 7) in order for the variance to have been approved. Although the site plan was approved by a simple majority vote, the variance was not approved since it did not meet the minimum 6 of 7 members (i.e. super majority) voting in favor of the variance request. With this being said, you the option of requesting an appeal of the Planning and Zoning Commissions decision to the City Council. According to Subsection 6.16, Variances to the General Overlay District Standards, of Article V, District Development

Standards, of the Unified Development Code states as follows:

Unless otherwise specified in this section, an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in Section [6.02](#), General Overlay District Standards, where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship. If the Planning and Zoning Commission denies a variance request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the variance or variances being requested (i.e. detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements). Approval of any variance to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (i.e. a three-fourths vote of those members present), with a minimum of four (4) votes in the affirmative required for approval.

(Ord. No. 18-47, § 4, 11-19-2018)

If you choose to pursue the filing of an appeal, please address this to the Planning and Zoning Department c/o Ryan Miller, Director of Planning and Zoning at your convenience. The only item under review would be the variance being requested for the flat roof design.

Should you choose not to appeal the decision of the Planning and Zoning Commission, it should be known that the site plan has been approved, with the exception of the building elevations. With no substantial changes to the site plan, the building elevations would need to be amended to reflect a pitched roof system to be in conformance with the SOV district standards. Should you choose to amend the building elevations to conform to the SOV requirements, staff will review the elevations and will forward these to the Architectural Review Board for their recommendation.

Should you have any further questions, please do not hesitate to contact staff.

Thank you,



DAVID GONZALES, AICP
PLANNING & ZONING MANAGER

PLANNING & ZONING DIVISION • CITY OF ROCKWALL
972.772.6488 OFFICE

CONTACTS:

MEP ENGINEERS:
WAHEED CONSULTING
420 Parkside St.
Murphy, TX 75094
PHONE: (817) 793-2010
CONTACT: M. A. WAHEED

SURVEYOR
CBG SURVEYING, LLC.
12025 Shiloh Road, Ste 230
Dallas, TX 75228
PHONE: (214) 349-9485
CONTACT: BRYAN CONALLY

CIVIL ENGINEER:
DESIGN DEVELOPMENT CONSULT.
2308 KITTY HAWK DR.
PLANO, TX 75025
PHONE: (214)-533-7181

CONTACT: NAIM KHAN, PE

OWNER/DEVELOPER
CENTERS FOR PEACE & MERCY, INC.
ABDUL LATIF KHAN, President
4152 Greenfield Drive
Richardson, TX 75082
PHONE: (318) 617-3491

ARCHITECT:
AMAZING CONCEPT LLC.
545 COVENTRY DR.
Grapevine, Tx 76051
PHONE: (817) 808-0811
CONTACT: AHMED HELALUZZAMAN
Designer,
Email: akm.helaluzzaman@gmail.com

AROIDS LANDSCAPE ARCHITECTS
5901 INDIAN HILLS DR.
GARLAND, TX 75044
PHONE: (214)-329-6491

CONTACT: MOHAMMED ABDUS SALAM

SITE DATA TABLE	
DESCRIPTION	
ZONING (FROM ZONING MAP)	
LAND USE (FROM ZONING ORDINANCE)	
LOT AREA TOTAL	2.74 AC. (119,184 SF.)
LOT AREA PHASE-1	1.28 AC. (55,757 SF.)
BUILDING AREA PHASE-1	4,535 SF.
COVERED AREA PHASE-1	8.13%
FLOOR AREA RATIO	0.038:1
BUILDING HEIGHT	ONE STORY (29'-8" MAX.)
PARKING REQUIRED	50 SPACES INCLUDING 3 ADA
PARKING PROVIDED	52 SPACES INCLUDING 3 ADA



DARK BRONZE FRAMES, PARAPET CAP & CANOPY



CHERISH CREAM SW6651 OR EQUAL



BORAL KINGSIZE MERIDIAN NEW-FREEDOM OR EQUAL



NATURAL LIME STONE OR EQUAL

PRE-FINISHED METAL CAP
DARK BRONZE COLOR

+16'-8"
TOP OF PARAPET WALL

BRICKS KING SIZE
BORAL / MERIDIAN NEW-FREEDOM

+14'-0"
BOT OF DECK

+10'-0"
WINDOW HEAD

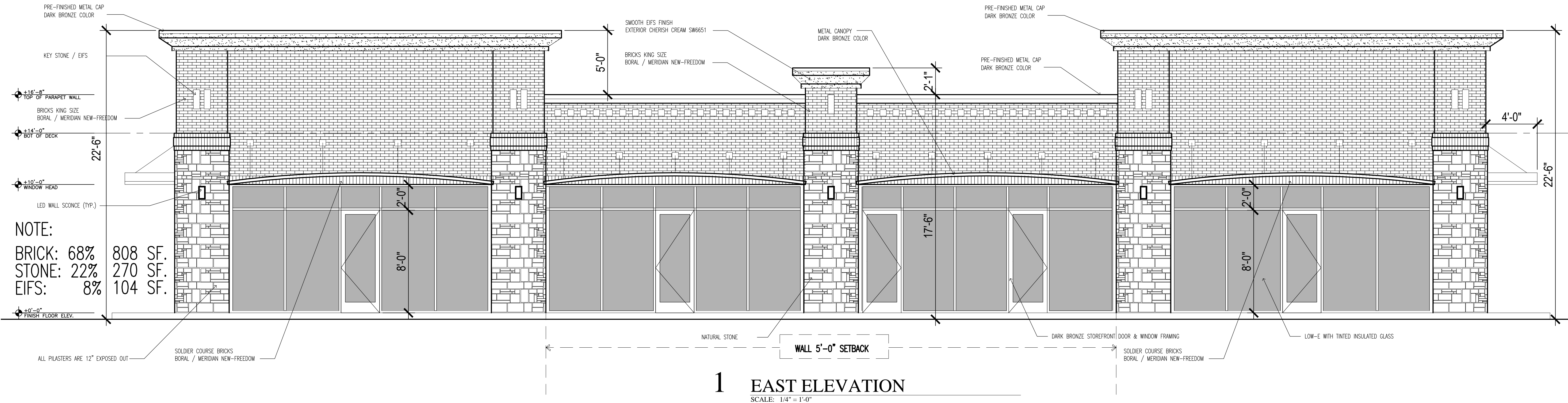
LED WALL SCONCE (TYP.)

19'-7"

NOTE:
BRICK: 63% 381 SF.
STONE: 27% 162 SF.
EIFS: 10% 63 SF.

+0'-0"
FINISH FLOOR ELEV.

2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



OWNER:
CENTER FOR PEACE AND MERCY, INC.
PHONE: 318-617-3491
EMAIL: Peacemercyinc@gmail.com

PROJECT:
RETAIL BUILDING
PHASE-1
600 Turtle Cove Boulevard, Rockwall, Tx 75087

REVISIONS:

amazing concept
residential & commercial projects
545 Coventry Drive, Grapevine, Tx 76051
Tel. (817) 808 0811
E-mail: akm.helaluzzaman@gmail.com

SHEET TITLE:
EXTERIOR ELEVATIONS

DATE: 06.03.2019	SCALE: AS SHOWN
DRAWN: PROJECT # H-2019-02	DESIGNER: A HELALUZZAMAN
SHEET NO:	A501

CASE NO.:SP2019-014

CONTACTS:

MEP ENGINEERS:
WAHEED CONSULTING
420 Parkside St.
Murphy, TX 75094
PHONE: (817) 793-2010
CONTACT: M. A. WAHEED

SURVEYOR
CBG SURVEYING, LLC.
12025 Shiloh Road, Ste 230
Dallas, TX 75228
PHONE: (214) 349-9485
CONTACT: BRYAN CONALLY

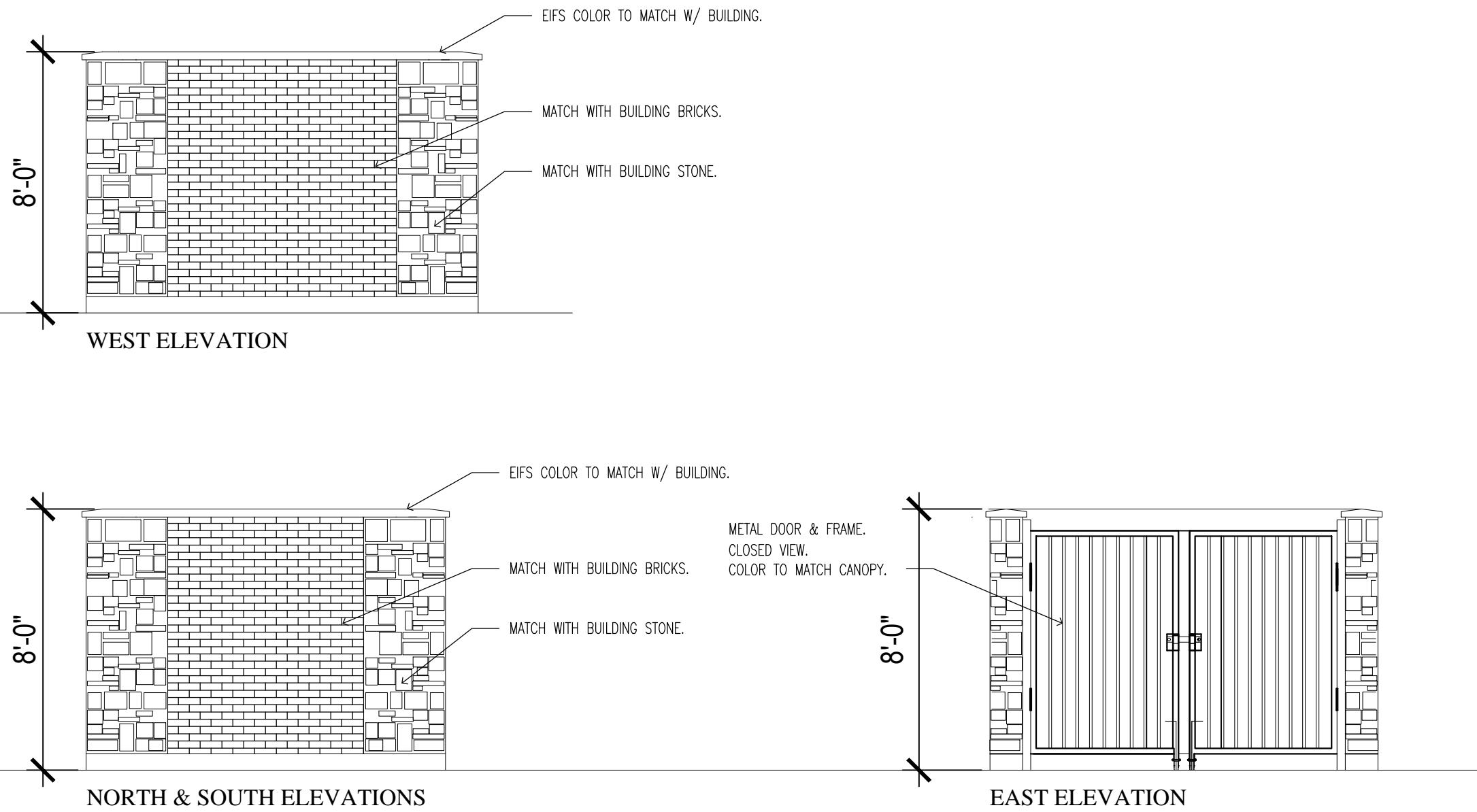
CIVIL ENGINEER:
DESIGN DEVELOPMENT CONSULT.
2308 KITTY HAWK DR.
PLANO, TX 75025
PHONE: (214)-533-7181
CONTACT: NAIM KHAN, PE

OWNER/DEVELOPER
CENTERS FOR PEACE & MERCY, INC.
ABDUL LATIF KHAN, President
4152 Greenfield Drive
Richardson, TX 75082
PHONE: (318) 617-3491

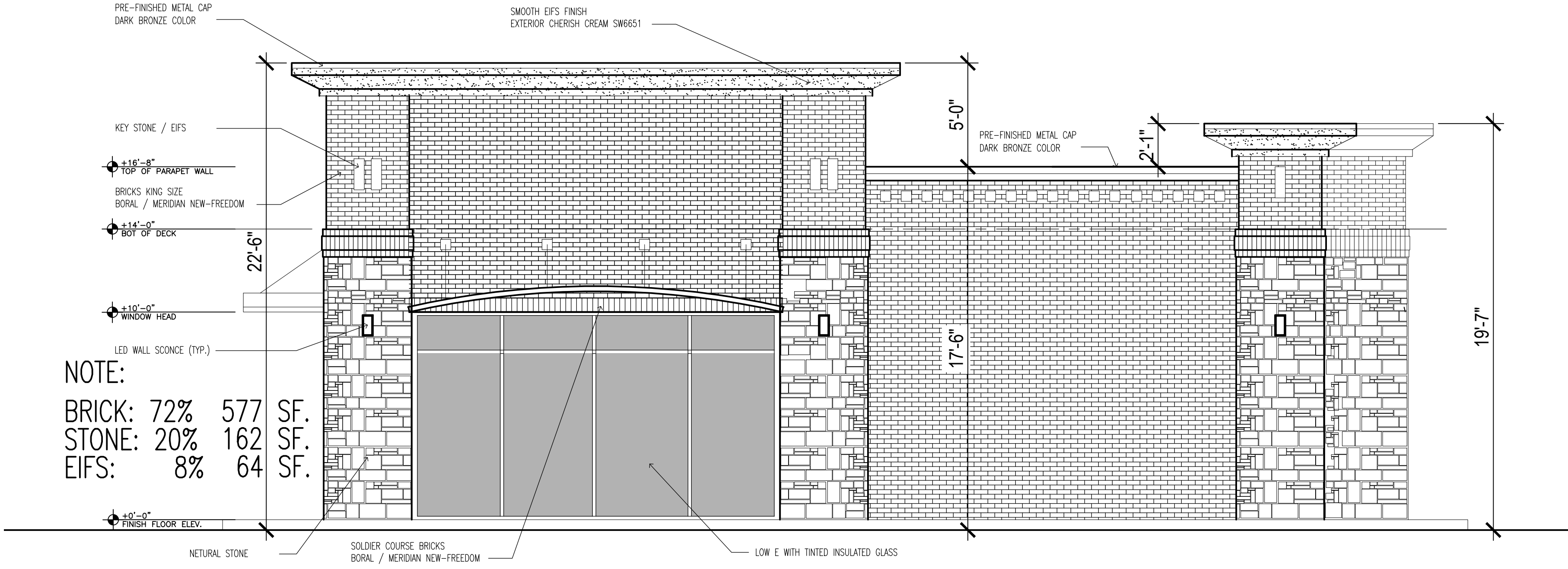
ARCHITECT:
AMAZING CONCEPT LLC.
545 COVENTRY DR.
Grapevine, Tx 76051
PHONE: (817) 808-0811
CONTACT: AHMED HELALUZZAMAN Designer,
Email: akm.helaluzzaman@gmail.com

AROIDS LANDSCAPE ARCHITECTS
5901 INDIAN HILLS DR.
GARLAND, TX 75044
PHONE: (214)-329-6491
CONTACT: MOHAMMED ABDUS SALAM

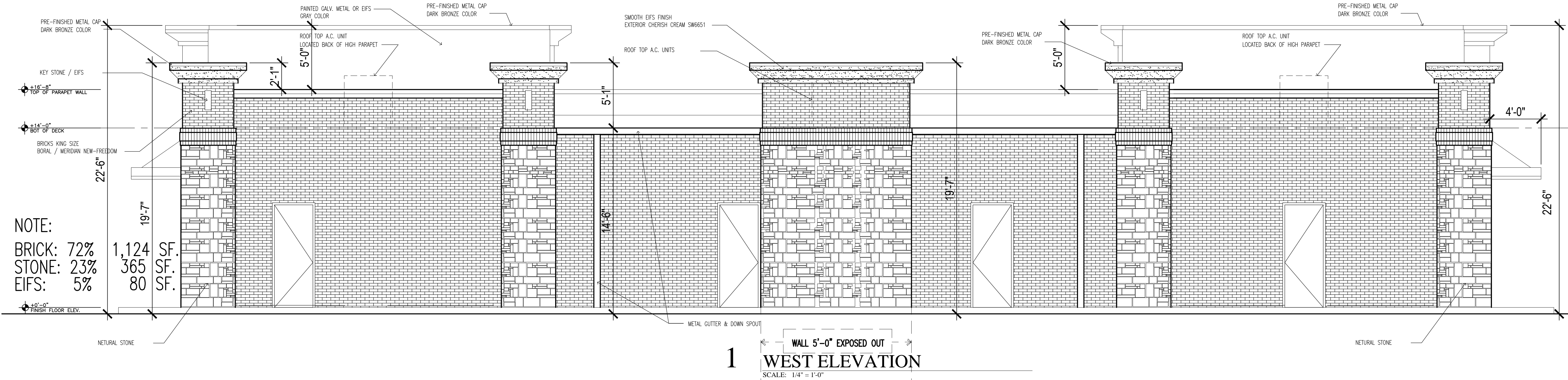
SITE DATA TABLE	
DESCRIPTION	
ZONING (FROM ZONING MAP)	
LAND USE (FROM ZONING ORDINANCE)	
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LOT AREA PHASE-1	1.28 AC. (55,757 SF.)
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COVERED AREA PHASE-1	8.13%
FLOOR AREA RATIO	0.038:1
BUILDING HEIGHT	ONE STORY (29'-8" MAX.)
PARKING REQUIRED	50 SPACES INCLUDING 3 ADA
PARKING PROVIDED	52 SPACES INCLUDING 3 ADA



3 DUMPSTER ELEVATIONS
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

OWNER:
CENTER FOR PEACE AND MERCY, INC.
PHONE: 318-617-3491
EMAIL: Peacemercyinc@gmail.com

PROJECT:
RETAIL BUILDING
PHASE-1
600 Turtle Cove Boulevard, Rockwall, Tx 75087

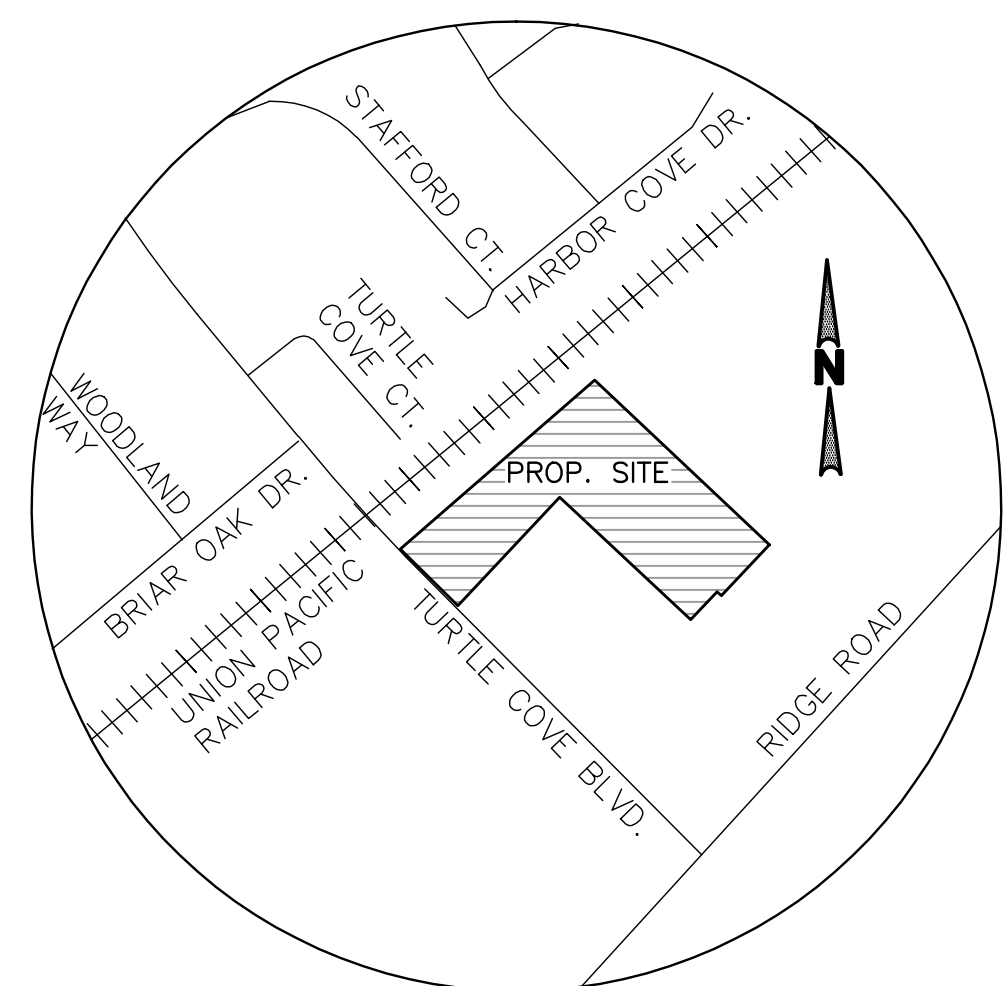
REVISIONS:

amazing concept
residential & commercial projects
545 Coventry Drive, Grapevine, Tx 76051
Tel. (817) 808 0811
E-mail: akm.helaluzzaman@gmail.com

SHEET TITLE:
EXTERIOR ELEVATIONS

DATE: 06.03.2019	SCALE: AS SHOWN
DRAWN:	DESIGNER: A. HELALUZZAMAN
PROJECT # H-2019-02	
SHEET NO:	A502

CASE NO.:SP2019-014

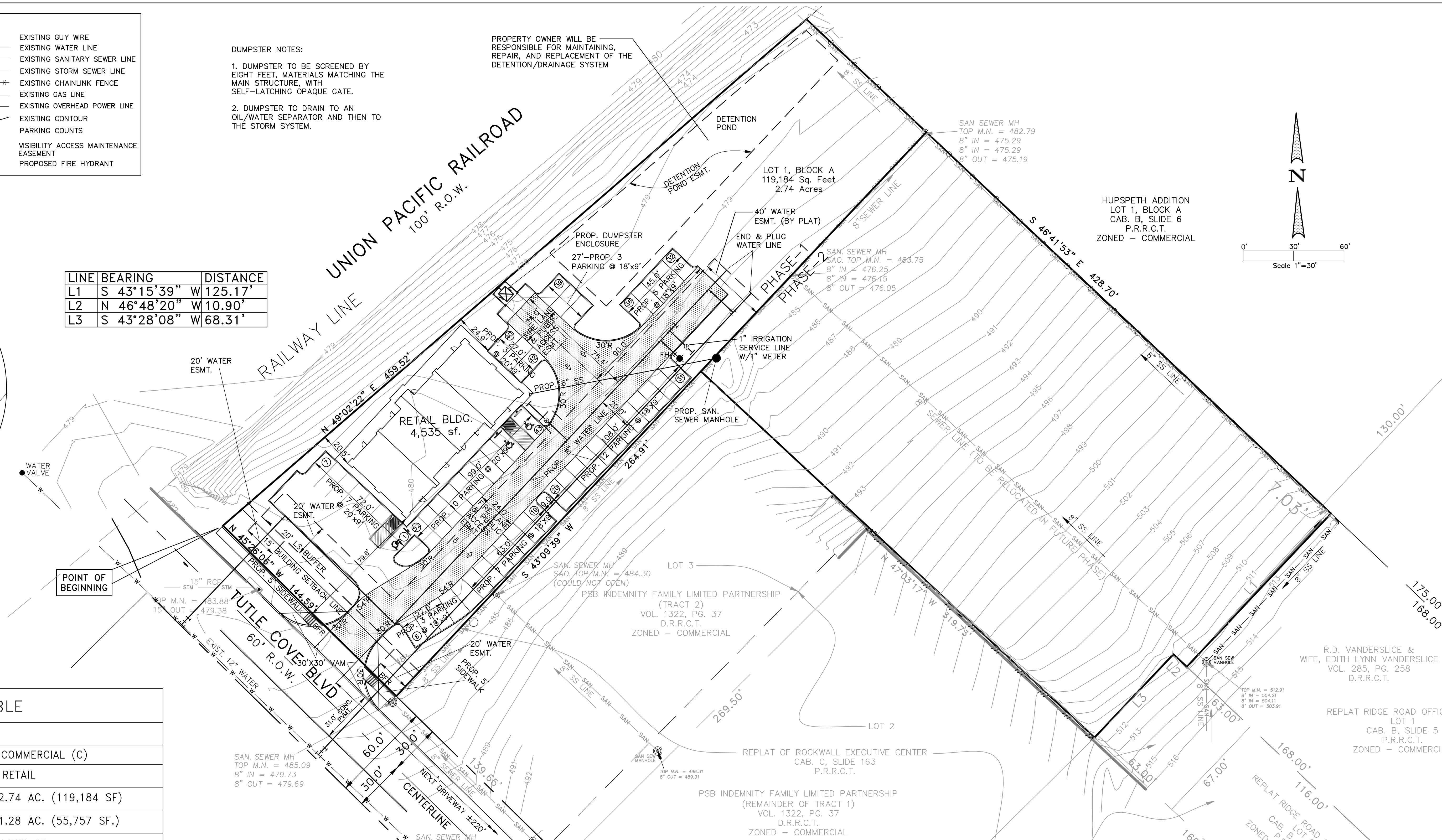


LINE	BEARING	DISTANCE
L1	S 43°15'39" W	125.17'
L2	N 46°48'20" W	10.90'
L3	S 43°28'08" W	68.31'

DUMPSTER NOTES:

1. DUMPSTER TO BE SCREENED BY EIGHT FEET, MATERIALS MATCHING THE MAIN STRUCTURE, WITH SELF-LATCHING OPAQUE GATE.
2. DUMPSTER TO DRAIN TO AN OIL/WATER SEPARATOR AND THEN TO THE STORM SYSTEM.

PROPERTY OWNER WILL BE _____
RESPONSIBLE FOR MAINTAINING,
REPAIR, AND REPLACEMENT OF THE
DETENTION/DRAINAGE SYSTEM



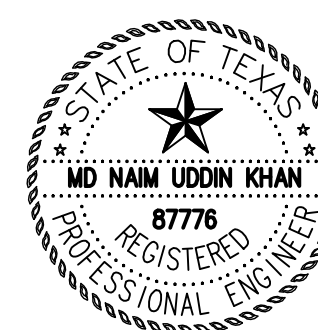
OWNER
Centers for Peace & Mercy, Inc.
Contact: Abdul Latif Khan (President)
4152 Green Field Drive
Richardson, TX 75082
PH. 318-617-3491

SURVEYOR
CBG SURVEYING, LLC
Contact: Bryan Conally
12025 Shiloh Road, Suite 230
Dallas, Texas 75228
PH: 214 349 9485

CIVIL ENGINEER
ND & ASSOCIATES, LLC
Contact: Naim Khan, P.E. CFM
2105 Canyon Creek Dr.
Garland, Texas 75042
PH: 214 533 7181
E-MAIL: naim1207@yahoo.com

ARCHITECT
amazing concept
Contact: Ahmed Helaluzzaman
12300 Ford Road, Suite 267
Dallas, Texas 75234
PH. 817 808 0811
E-MAIL: akm.hellaluzzaman@gmail.com

LANDSCAPE ARCHITECT
AROID'S LANDSCAPE
Contact: Mohammad Salam
5901 Indian Hills Drive
GARLAND, TX 75044
PH. 214-403-2034



Md. Naim Uddin Khan
06-02-19
Md. Naim Uddin Khan
ENGINEER NO. 87776. THESE PLANS WERE
PREPARED UNDER THE RESPONSIBLE SUPERVISI
OF MD. NAIM UDDIN KHAN REGISTERED
PROFESSIONAL ENGINEER
THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY MD. NAIM UDDIN KHAN P.E.
#87776

<p align="center">SITE PLAN SP 2019-014</p>	<p align="center">Scale: 1"=30'</p>
	<p>Date : 6/2/2019</p>
<p align="center">CENTERS FOR PEACE & MERCY, INC. LOT 1, BLOK A E.P. GAINES CHISUM SURVEY ABSTRACT NO. 64 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS 119,184 SF/2.74 ACRES</p>	<p>Design : ND</p>
	<p>Draft : ND</p>
	<p>Checked : ND</p>
<p align="center">ND & Associates, LLC 2105 Canyon Creek Drive Garland, Texas 75042 Contact: Naim Khan, P.E., CFM PH: (214) 533 7181 EMAIL: naim1207@yahoo.com FIRM # F - 13340</p>	<p>PROJECT NO : ROCK2019-725</p>
	<p align="center">SITE PLAN</p>
	<p align="center">C-1</p>

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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: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*

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

DATE: July 15, 2019

SUBJECT: Z2018-049; *SUP for Heritage Christian Academy*

On January 7, 2019, the City Council approved a Specific Use Permit (SUP) [Case No. Z2018-046; S-200] allowing existing temporary educational buildings to remain on the Heritage Christian Academy property at 1408 S. Goliad Street [SH-205]. According to this Specific Use Permit (SUP), “(t)he Specific Use Permit (SUP) shall be valid for a period of six (6) months from the date of approval. At which time the City Council shall review the SUP to determine if a two (2) year extension is warranted in accordance with *Exhibits ‘C’ and ‘D’ [i.e. the applicant’s letter and phase-out schedule] ...*” The purpose of the six (6) month extension was to allow the applicant time to assemble a plan for the phasing out of the temporary educational buildings. On June 25, 2019, the applicant -- *Brad Helmer* -- requested to meet with the City Council in accordance with the requirements of the SUP ordinance.

Staff Note: An email from the applicant was received on May 22, 2019 requesting to meet with the City Council. Staff responded to the email requesting additional information for the case so that it could be processed in accordance with the SUP procedures; however, the applicant did not submit the requested information and submitted a subsequent email on June 25, 2019 re-requesting an appointment with the City Council. Since this was not advertised through the SUP procedures, if the City Council grants the extension, staff will prepare an ordinance revision, advertise, and notify the case in accordance with these procedures and bring the ordinance revision back to the City Council for approval.

As the City Council may recall, the issue at hand is the extension of temporary educational buildings. A summary of the history for this case is as follows:

- ✓ October 6, 1997 [Ordinance No. 97-25]: The City Council approved a Conditional Use Permit (CUP) allowing two (2) educational buildings on the subject property. These buildings were not constructed.
- ✓ July 6, 1999 [Ordinance No. 99-23]: The City Council approved a CUP -- *superseding the requirements of Ordinance No. 97-25* -- for one (1) temporary education building on the subject property. The terms of this CUP ordinance, stipulated that the CUP was valid for a period of three (3) years with the ability to be extended one (1) time for an additional two (2) years.
- ✓ March 3, 2003 [Ordinance No. 03-10]: The City Council approved a CUP allowing three (3) temporary educational buildings on the subject property for a period of five (5) years.
- ✓ September 8, 2009 [Ordinance No. 09-34]: The City Council approved a SUP for three (3) temporary educational buildings on the subject property for a period of one (1) year.
- ✓ September 20, 2010: The City Council extended *Ordinance No. 09-34* for a period of three (3) years.

- ✓ November 4, 2013 [Ordinance No. 13-44]: The City Council approved a SUP for three (3) temporary educational buildings on the subject property for a period of five (5) years.
- ✓ January 7, 2019 [Ordinance No. 19-02]: The City Council approved a SUP for three (3) temporary educational buildings on the subject property for a period of six (6) months to allow the applicant time to put together a plan for the phasing out of the temporary educational buildings.

Another issue that was brought out by City staff during this case, was the need to satisfy outstanding items associated with parking lot improvements on a project that was permitted in 2016. Specifically, a letter sent to the applicant on February 12, 2018 and reiterated in the City Council meeting on November 19, 2018 outlined the outstanding items, which included submitting as-builts on the detention pond and providing a letter of concurrence (*the complete list is attached*). The applicant agreed to satisfy these requirements at the meeting; however, as of the date of this memo none of the items have been addressed.

For the City Council's review staff has provided a copy of *Ordinance No. 19-02 (S-200)*, the minutes from the November 19, 2018 and December 17, 2018 City Council meetings, and a copy of the applicant's request on June 25, 2019. The requested two (2) year extension is a discretionary decision for the City Council. As stated above if the City Council chooses to approve the two (2) year extension, staff will prepare a revised SUP ordinance and bring it back to the City Council. Should the City Council have any questions staff and the applicant will be available at the July 15, 2019 City Council meeting.

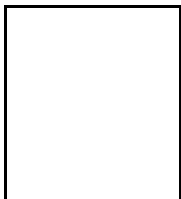
Miller, Ryan

To: Brooks, Korey
Subject: RE: City Council Meeting

From: Brad Helmer [<mailto:bhelmer@hcarockwall.org>]
Sent: Wednesday, May 22, 2019 9:54 AM
To: Brooks, Korey <kbrooks@rockwall.com>
Subject: Re: City Council Meeting

Ok. Thank you,

Brad C. Helmer, Ed.D.
Head of School



1408 S. Goliad
Rockwall, Texas 75087
972.772.3003
bhelmer@hcarockwall.org

On Wed, May 22, 2019 at 9:53 AM Brooks, Korey <kbrooks@rockwall.com> wrote:

Brad,

Our June submittal date is June 14th. You would just need to submit a development application along with the application fee, concept plan, and letter.



Planning

and

Zoning Department

Korey M. Brooks, AICP

Senior Planner

City of Rockwall

385 S. Goliad

Rockwall, Texas 75087

T 972.772.6434

kbrooks@rockwall.com

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

From: Brad Helmer [mailto:bhelmer@hcarockwall.org]

Sent: Wednesday, May 22, 2019 9:51 AM

To: Brooks, Korey <kbrooks@rockwall.com>

Subject: City Council Meeting

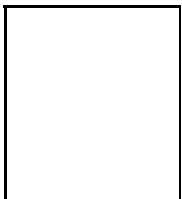
Good morning,

I need to get on the agenda for one of the June council meetings to provide an update on our plan for phasing out the portable buildings, and to ask for the SUP.

Thank you,

Brad C. Helmer, Ed.D.

Head of School



1408 S. Goliad
Rockwall, Texas 75087
972.772.3003

bhelmer@hcarockwall.org

Miller, Ryan

To: Brooks, Korey
Subject: RE: Request to be on July CC agenda

From: Brad Helmer [mailto:bhelmer@hcarockwall.org]

Sent: Tuesday, June 25, 2019 9:34 AM

To: Brooks, Korey <kbrooks@rockwall.com>

Subject: Request to be on July CC agenda

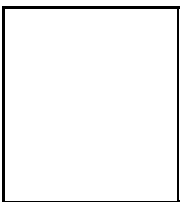
Mr. Brooks,

I would like to request to be added to the CC agenda for the second meeting in July to give an update on Heritage Christian Academy's 2-3 year plan to discontinue the use of our portable classrooms.

Thank you,

Brad C. Helmer, Ed.D.

Head of School



1408 S. Goliad
Rockwall, Texas 75087
972.772.3003

bhelmer@hcarockwall.org

CITY OF ROCKWALL

ORDINANCE NO. 19-02

SPECIFIC USE PERMIT NO. S-200

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3) TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT AND IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of a Specific Use Permit (SUP) allowing existing temporary educational buildings, situated on a 6.64-acre tract of land, zoned Multi-Family 14 (MF-14) District, and being identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, addressed 1408 S. Goliad Street [SH-205], and being more specifically 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. 04-38] and Specific Use Permit (SUP) No. S-114 [Ordinance No. 13-44] of the City of Rockwall should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in Ordinance No. 13-44; and

SECTION 2. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing existing temporary educational buildings in a Multi-Family 14 (MF-14) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 3. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 3.9, *Multi-Family 14 (MF-14) District*, of Article V, *District Development Standards*, of the Unified

Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a temporary educational building on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The temporary educational buildings shall generally conform to the building elevations and site plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The subject property shall not have more than three (3) temporary educational buildings;
- 3) The Specific Use Permit (SUP) shall be valid for a period of six (6) months from the date of approval. At which time the City Council shall review the Specific Use Permit to determine if a two (2) year extension is warranted in accordance with *Exhibits 'C' and 'D'* of this ordinance.
- 4) The temporary educational buildings are subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.

3.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) [Ordinance No. 04-38] will require compliance to the following:

- 1) Should the subject property fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC) [Ordinance No. 04-38], the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

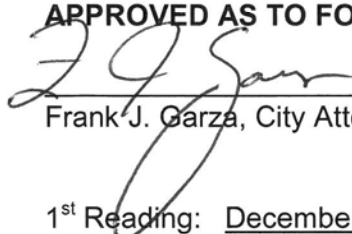
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF JANUARY, 2019.


Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: December 17, 2018

2nd Reading: January 7, 2019



Exhibit 'A':
Plat

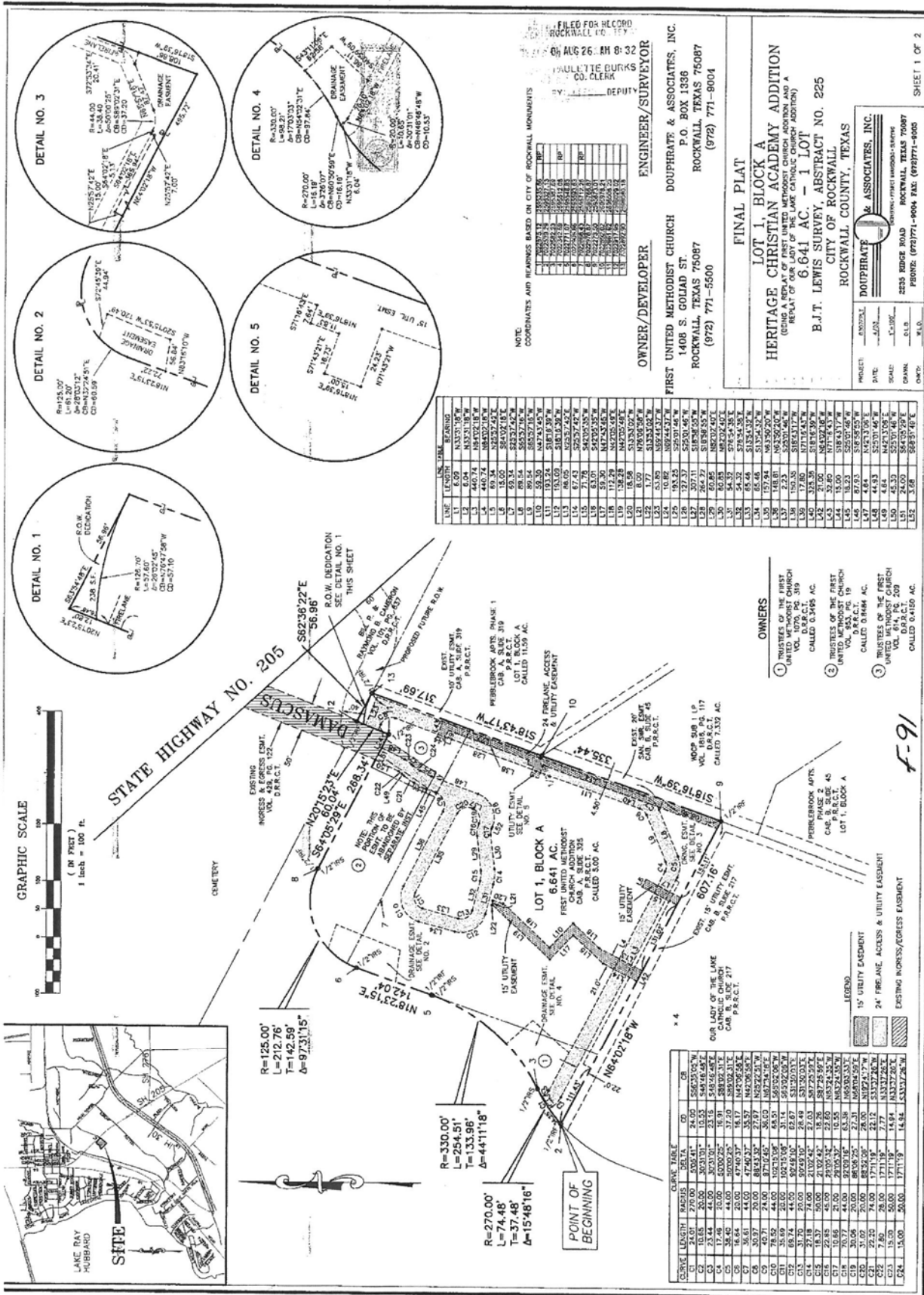


Exhibit 'B':
Site Plan



Exhibit 'C':
Applicant's Letter

December 11, 2018

To: Rockwall City Council

By: Brad Helmer, Heritage Christian Academy

Re: Temporary Classroom Buildings Phase Out Schedule Narrative

Please accept the following narrative in conjunction with the provided timeline (schedule) as Heritage Christian Academy's board-approved plan to phase out the 3 temporary classroom buildings located on our property at 1408 S. Goliad. We appreciate the Council's willingness to work with us as we commit to this plan. Additionally, as a 501(c)(3) nonprofit corporation, we must fundraise to support any and all initiatives. As tuition covers typically 80-85% of our operations budget, charitable giving is requisite and vital to our mission. Given this, undertaking a monumental task such as these infrastructure improvements, requires an immense amount of work and faith. We acknowledge and embrace this for our students' sake.

For the past 2 years, we have been in the process of developing and undertaking a capital campaign to build a gymnasium on our property. As the leadership of HCA, we feel that having this building will serve to increase enrollment and allow us to continue becoming even more excellent in fulfilling our mission. We retained the services of Mission Advancement (MAP), a capital campaign consultant company, to guide us through this process. The following timeline was developed in partnership with MAP to guide our efforts.

February, 2017 – December, 2017:

- Campaign Organization
- Leadership Enlistment
- Case Development
- Resource Mapping
- Logic Narrative
- Site maps, renderings and other marketing artifacts finalized

January, 2018 – December, 2018

- Large Donor Relationship Meetings (Top 10% discovered during Resource Mapping)
- Board Commitments
- Large Donor Request for Donation Meeting (Top 10%)

January, 2019 – December, 2019

- Continue Work with Top 10%
- Begin Next 20% Donor Meetings with Requests for Donation
- Possible Public Appeal (After 80% of goal reached)

After January, 2020

- Continue Working Donor Base
- Begin Construction

In early October, 2018, it was brought to our attention that the plan and priority we are currently invested in was not in line with the priority expectation of the City regarding the Temporary Classroom Buildings on our property. We immediately met to begin discussions of how to continue working toward our vision of a

Exhibit 'C':
Applicant's Letter

gymnasium and also satisfy a commitment that was made to the City Council by former administration. As evidenced in the provided schedule, the Board has developed a plan that will accomplish both.

We have begun reengaging our architect and general contractor to reevaluate the property to determine the most cost-efficient, and best use of space for adding classrooms into the plan along with a slightly modified gymnasium. As you might expect, while we are not starting completely over, we must duplicate some work that has already been done and paid for to date. Our general contractor feels that we will be able to complete the following items in no more than 180 days, with the goal of presenting to the City Council no later than June, 2019.

The following will need to be accomplished during the 180 days:

- Meetings with architect, engineers, contractors, etc. to share our needs and desires
- Architect finalizes preliminary site plan, floor plan and elevations
- Discussions with City of Rockwall for feasibility of plan
- GC to send out preliminary RFPs to determine new cost of construction
- Garner Board support and approval of new plan
- Prepare for presentation of new plan and more specific timeline to City Council


I, and the HCA Board, commit to offering quarterly updates to the City Council according to the dates on the attached schedule. God willing, donors will share our vision and support this process financially. Thank you in advance for understanding the challenges associated with having to fundraise for initiatives such as this.

The leadership of HCA still remains committed to building a gymnasium on our property. We are also committed, however, to honesty and transparency. Our commitment to the City Council of making classrooms the priority of our plan, and still staying true to our vision of having our own gymnasium will be a testament to this.

Sincerely,

Brad Helmer, Ed.D.
Head of School

Exhibit 'D':
Phase-Out Schedule

<div> <div>Temporary Classroom Buildings</div> <div>Phase-Out Schedule</div> <div>  </div> </div>			
Date Proposed	Activity	Date Complete	Outcome
11/27/18	HCA Board Meeting to discuss plan for phase-out of temporary classroom buildings.	11/27/2018	Preliminary information presented to Board regarding planning and zoning committee concerns and city council concerns. Began discussions about slightly altering direction of capital campaign to include classrooms sooner.
11/29/18	HCA building committee meeting with architect and builder	11/29/2018	Began discussions about adding classrooms sooner into the plan we have already vetted. Subsequent meetings were discussed and the first will be set for 2nd week in January.
12/04/18	Board work session to narrow down phase-out plan	12/4/2018	Invited our General Contractor to have conversation with the Board regarding some options to maintain our focus on a gymnasium, but adding classrooms sooner. Consensus is to have architect and GC look at using the current plan's footprint to add classrooms.
12/10/18	Board meeting to finalize phase-out plan for presentation to Rockwall City Council on 12/17/18	12/10/2018	A brief history of HCA's capital initiatives was discussed and agreement was reached on a plan that is unanimously backed by the Board. (See attached narrative)
12/11/18	Submit plan to Corey Brooks, Sr. Planner, for subsequent presentation of plan to the Rockwall City Council prior to the 12/17/18 CC Meeting	12/11/2018	Documents submitted to Mr. Brooks for Council consideration.
12/11/18	With HCA Board approval, begin to speak with currently committed donors to update them on the revised plan and give opportunity to withdraw their donation, or give permission to use their donation toward the revised plan.		Conversations to take place this week 12/11-12/14.
12/17/18	Present phase-out schedule to Rockwall City Council	12/17/2018	
01/2019	2nd meeting with GC and architect to begin the feasibility study, redraw site plan, floor plans and elevation renderings. Meet with donors who have expressed interest in in-kind donations such as roofing, landscaping, etc., as part of determining a new dollar amount for the capital campaign. HCA anticipates no more than 180 days to finalize for presentation to the City Council.	1/19 - 6/19	
6/3/2019	Update to City Council		
06/2019	Begin meeting with donors to show plans and accept commitments. Begin construction as soon as capital campaign commitments allow and with Board and City of Rockwall permit approval.		
9/2/2019	Quarterly Update to City Council		
12/2/2019	Quarterly Update to City Council		
3/2/2020	Quarterly Update to City Council		
6/8/2020	Quarterly Update to City Council		
9/7/2020	Quarterly Update to City Council		
12/7/2020	Quarterly Update to City Council		
3/8/2021	Quarterly Update to City Council		
6/7/2021	Quarterly Update to City Council		
9/6/2021	Quarterly Update to City Council		
12/6/2021	Quarterly Update to City Council		
3/7/2022	Quarterly Update to City Council		
6/6/2022	Quarterly Update to City Council		
9/5/2022	Quarterly Update to City Council		
12/5/2022	Quarterly Update to City Council		
	Immediate removal of temporary classrooms targeted for occupancy date of new classroom portion of the revised plan, possibly between 1/1/2023 and 6/1/2023 and dependent on approval from the City of Rockwall.		

390
391
392 **Bill Bauman**
393 **2300 Springer Drive**
394 **Arlington, TX**
395

396 **Mr. Bauman came forth and provided a lengthy presentation to Council related to this**
397 **request. Following the presentation, Mayor Pro Tem Fowler opened the public hearing,**
398 **asking if anyone would like to come forth and speak at this time. There being no one**
399 **indicating such, he then closed the Public Hearing.**
400

401 **Councilmember Daniels moved to approve Z2018-045. Mayor Pro Tem Fowler seconded**
402 **the motion. The ordinance was read as follows:**
403

404 **CITY OF ROCKWALL**
405 **ORDINANCE NO. 18-__**
406 **SPECIFIC USE PERMIT NO. S-__**
407

408 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
409 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
410 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE**
411 **AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A**
412 **SPECIFIC USE PERMIT (SUP) ALLOWING FOR A FREE STANDING**
413 **COMMERCIAL ANTENNA, ON A 0.08-ACRE PORTION OF A LARGER 7.64-**
414 **ACRE TRACT OF LAND KNOWN AS YELLOW JACKET PARK AND**
415 **IDENTIFIED AS TRACT 11 OF THE J. CADLE SURVEY, ABSTRACT NO. 65,**
416 **CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE**
417 **SPECIALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;**
418 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY**
419 **OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
420 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
421 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
422 **EFFECTIVE DATE.**
423

424 **The motion passed by a vote of 5 in favor with 2 absent (Pruitt and Trowbridge).**

- 425 **4. Z2018-046 - Hold a public hearing to discuss and consider a request**
426 **by Brad Helmer on behalf of Heritage Christian Academy (HCA)**
427 **for the approval of an ordinance for a Specific Use Permit (SUP)**
428 **allowing existing temporary educational buildings in conjunction with a**
429 **private school to remain on a 6.64-acre parcel of land identified as Lot**
430 **1, Block A, Heritage Christian Academy Addition, City of Rockwall,**
431 **Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District,**
432 **situated within the SH-205 Overlay (SH-205 OV) District, addressed**
433 **as 1408 S. Goliad Street [SH- 205], and take any action necessary**
434 **(1st Reading).**
435

436 **Planning Director Ryan Miller provided background information pertaining to this agenda**
437 **item. In 1999, the City Council approved a Conditional Use Permit (CUP) to allow one (1)**
438 **temporary educational building on the subject property for a period of five (5) years. The**
439 **CUP stipulated that after a period of three (3) years, the City Council could review the**
440 **CUP to determine if permanent buildings were planned to replace the temporary**

educational buildings. In 2003, the City Council approved a Conditional Use Permit (CUP) to allow additional temporary educational buildings on the subject property for a period of five (5) years. In 2009, the City Council approved a Specific Use Permit (SUP) to allow three (3) temporary educational buildings on the subject property. At that time, the Specific Use Permit (SUP) ordinance stipulated that it shall be valid for a period of one (1) year, at which time the City Council shall review the Specific Use Permit (SUP) to determine if an extension is warranted. On September 20, 2010, the City Council reviewed the Specific Use Permit (SUP) and approved an extension for three (3) years (i.e. ending September 7, 2013). In November, 2013, the City Council approved a five (5) year extension (i.e. ending November 4, 2018). Staff should note, at the time of the approval of the five (5) year extension, staff, the Planning and Zoning Commission, and the City Council were informed that this would be the last request for extension of the Specific Use Permit (SUP) and that permanent educational buildings would be constructed within that time. Should this request be approved, it will be the fifth extension for temporary educational buildings on the subject property. Should the City Council choose to approve this, request, the applicant would be allowed five (5) additional years to continue the use of the temporary educational buildings on the subject property, and shall be required to provide an updated schedule indicating the expected phasing-out of the temporary educational buildings. Should the City Council deny this request, the applicant shall be required to remove the temporary educational buildings within a reasonable amount of time. On October 19, 2018, staff mailed 34 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Waterstone Estates Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had not received any notices returned.

Mayor Pro Tem Fowler called the applicant forth to address the Council at this time.

Brad Helmer
2917 Chuckwagon Drive
Rockwall, TX

Mr. Helmer came forth and provided a lengthy presentation to Council pertaining to this request. He explained that any staff members from HCA who have may previously come before the city council to request time extensions on the use of portable buildings are no longer employed by HCA. Therefore, he was not aware that a plan (schedule) needed to be presented to the City as part of a request to obtain an additional extension for use of temporary portable buildings. He went on to explain the proposal he plans to present to his board of directors later this month pertaining to future planning for the addition of classrooms, a P.E. gym and a future "competition" gymnasium. He went on to explain that he will commit to attempting to complete this plan for future expansion and addition of classrooms within three to four years; however, he would not be able to do so within one year. He shared that \$750,000 has been raised so far for a competition gymnasium; however, the board and school can reapproach the donors to ask that the funding be redirected to be used for additional classrooms instead.

Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the

public hearing.

Councilmember Johannesen provided brief comments and clarified that the applicant is now requesting a renewal of the SUP to allow for the use of portable buildings for an additional five-year period. Mr. Helmer indicated that, yes, he believes that the school will be able to complete needed expansions within three and no more than five years.

Councilmember Daniels shared that he understands Mr. Helmer inherited this issue when he began working for HCA; however, he does still have concerns about the Council outright granting a five-year extension without having some sort of benchmarks in place to ensure HCA's plans are progressing forward towards eliminating the need for these temporary, portable buildings. Mr. Miller shared that he can work with the applicant to develop conditions to include within the SUP ordinance that will identify benchmark events and dates to ensure that HCA will in fact move forward with its plans to eventually eliminate these portable buildings.

Councilmember Macalik expressed that she has concerns that are similar to those expressed by Councilman Daniels. On top of those concerns, she pointed out that this school is likely to continue to grow its student population. She generally feels that giving HCA an additional five years is too much time. She would like to see it be granted for less time.

Mayor Pro Tem Fowler clarified that the city will want to see very detailed, concrete plans and benchmarks identified within the ordinance.

Councilmember Hohenshelt shared his strong belief that he does not believe that an additional five years should be granted. He does not wish to extend it for longer than one year, as the school has had nineteen years at this point to get rid of the temporary buildings. He does not expect that the applicant will have newly built classrooms ready and open within one year; however, he does believe it will be prudent to grant it for only one year and then require the applicant to again appear before the Council to report on its progress in implementing its plans to work towards eliminating the portable buildings.

Councilmember Hohenshelt moved to continue the public hearing for a period of thirty days to allow the applicant time to work with staff to identify measurable benchmarks for inclusion in the ordinance language. Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes with 2 absences (Pruitt and Trowbridge).

XIII. ACTION ITEMS

1. **SP2018-032** - Discuss and consider a request by William Salee of the Rockwall Independent School District (RISD) for the approval of variances to the material and articulation requirements in conjunction with an approved site plan for an Elementary School on a 17.2922-acre tract of land being identified as Lot 1, Block A, RISD Elementary School Addition and Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall, Texas, zoned Planned Development District 70 (PD-70) for single family land uses, located at the southeast corner of Greenway Boulevard and FM-552, and take any action necessary.

Following the discussion, Council took no formal action related to this appointment item.

XII. PUBLIC HEARING ITEMS

1. **Z2018-046** - Hold a public hearing to discuss and consider a request by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of an ordinance for a Specific Use Permit (SUP) allowing existing temporary educational buildings in conjunction with a private school to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH-205], and take any action necessary (1st Reading).

On November 19, 2018, the City Council continued the public hearing for Case No. Z2018-046 for the purpose of allowing the applicant time to provide a plan concerning the temporary education buildings on the subject property. On December 11, 2018, Brad Helmer of Heritage Christian Academy (HCA) submitted a plan to staff laying out a timeline for the construction of a new building and the removal of the temporary educational buildings. In Mr. Helmer's plan, he has laid out several items that need to be accomplished in the next 180-days, which will be followed by a presentation to the City Council concerning the course of action HCA will take moving forward. In response to this proposal, staff has adjusted the SUP Ordinance to expire in six months, in June of 2019 (i.e. 180 days). Based on the ordinance and HCA's presentation, the City Council will have the discretion to extend the ordinance for a two (2) year period, which should be a sufficient amount of time for the applicant to complete construction of the proposed educational building and remove the temporary education buildings.

Mayor Pruitt opened the public hearing, calling the applicant forth to speak at this time.

Mr. Brad Helmer
2917 Chuckwagon Drive
Rockwall, TX

Mr. Helmer came forth and provided explanatory comments to the Council related to the school's plan to phase out the temporary, portable classroom buildings. He expressed that getting a new building funded and built by 2021 is a hefty goal; however, they will be working on it. He offered to provide quarterly updates to the city council between Sept. 2019 and December of 2022.

Following the public hearing, Councilmember Fowler moved to approve Z2018-046. Councilmember Daniels seconded the motion. Following additional dialogue, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-____
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3)

Monday, December 17, 2018 City Council Minutes
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TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT AND IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2018-043** - Hold a public hearing to discuss and consider a request by Michael Worrell of Rockwall Honda for the approval of an ordinance amending SUP No. S-76 (Ordinance No. 10-26) to allow changes to be made to an existing Motorcycle Dealership with Accessory Boat and Trailer Sales being a 1.152-acre parcel of land identified as Lot 6, Block A, Newman Center #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He explained that the proposed shade structures will be located on the east side of the property and will be utilized provide shade for the display of vehicles. The applicant is also requesting to provide decomposed granite with a hard edge in order to contain the material -- along IH-30 -- for the display areas, which are located on the east and south sides of the property (see Exhibit 'C' of the draft ordinance). These areas are currently grass surfaces and once constructed using the decomposed granite, will provide stability for the displayed vehicles. Additionally, the applicant is requesting to allow for the display area to be expanded within the ten (10) foot landscape buffer along East IH-30. It should be known that staff has met with the applicant regarding the landscaping of this display area and Mr. Worrell has agreed to provide potted trees and plantings within the display area along IH-30. The purpose of this type of landscape scheme is due to a 16-inch water main that runs parallel within an existing 20-ft water easement located at the property line. This solution is to mimic the use of trees and other landscaping that would normally appear within the ten (10) foot landscape buffer, and has been included as a condition of approval.

Seventeen public notices were sent out to adjacent property owners; however, no responses have been received back by city staff at this time. The Planning & Zoning Commission has recommended approval of this request.

The applicant, Mr. Worrell, came forth and provided brief comments to Council concerning his request. Councilmember Macalik then moved to approve Z2018-043. Councilmember Trowbridge seconded the motion. Mayor Pruitt opened the public hearing, asking if anyone would like to speak. There being no one wishing to come forth and speak, Mayor Pruitt then closed the public hearing.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-____
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND

2-12-18

Matthew Thomas
THOMAS Site Development Engineering INC.
2004 Bedford Road Suite 200
Bedford ,Texas 76021

Re: *Heritage Christian Academy Parking lot Expansion Phase 1* – Checklist for final acceptance

Dear Matthew Thomas,

The following items are to be completed at the above mentioned site to bring the project into compliance with City specifications and to meet specific project requirements. The listed items are items identified during the walkover of the site and are to be addressed prior to final acceptance of the project. The City will conduct daily site visits (during daily rounds) at the project until completion of the noted items. A copy of this list will also be directed to the developer/owner and general contractor. The below listed items are to be directed to the appropriate responsible parties for completion.

-Required Documentation-

1. The City of Rockwall requires that the design engineer provide a letter of concurrence. The letter is to verify that the drainage flow patterns, grade to drain locations and drainage structures, including the volume of the surface and/or subsurface detention system and detention outlet structure located at the project were installed to the general elevations as shown on the approved plans. The letter shall also verify that the project was constructed to meet the approved design requirements or is within acceptable design tolerances. **The Design Engineer or his designated representative shall direct all “survey-work” necessary to verify elevations and design compliance.** The letter of concurrence is to have the seal and signature of the design engineer.

Example of Letter of Concurrence verbiage which will not be accepted by the City:

“A representative of this company visited the site and has visually verified to the best of the engineer’s professional opinion, knowledge and belief, the final grading and site drainage comply with the City approved plans and details”.

Example of Letter of Concurrence verbiage which will be accepted by the City:

“A representative of this company visited the site and has visually verified to the best of the engineer’s professional opinion, knowledge and belief, that based on my observations along with survey work conducted at the site, the final grading, site drainage, and detention outfall with required volume comply with the City approved plans and details”.

2. The Design Engineer shall furnish a digital file of the project formatted in Auto Cad 14, or 2000 format or newer **and** Adobe Acrobat (pdf.) format with a CD-ROM. The disk shall include a full set of plans along with any landscaping, wall plans, and details sheets.
- o Submit 1-set of blue line drawings of the “Record Drawings” containing copies of all sheets. The blue line copy will be reviewed by the construction inspector **PRIOR** to producing the “Record Drawing” disk. This will allow any revisions to be addressed prior to producing the disk.

Record Drawing Disk drawings shall have the Design Engineers seal, signature and must be stamped and dated as “Record Drawings” or “As Built Drawings” on all sheets.

The City of Rockwall will not accept any Record Drawing disk drawings which include a disclaimer with the like or similar verbiage. A disclaimer shall not directly or indirectly state or indicate that the design engineer or the design engineers, surveyor/surveyors did not verify or grades after construction, or that the Record Drawings were based solely on information provided by the construction contractor/contractors. Any Record Drawings which include like or similar disclaimer verbiage will not be accepted by the City of Rockwall.

Example of Acceptable Disclaimer:

To the best of our knowledge Smith Engineering, Inc., hereby states that this plan is As-Built. This information provided is based on surveying at the site and information provided by the contractor.

3. 4% Engineering Inspection Fee (Final As-Built Adjustments) – Prior to the start of construction at the project, engineering inspection fees for the project were established. The preliminary inspection fee amounts were based upon the projected contract quantity and unit price amounts which were submitted to the City. A fee based on 4% of the projected quantity cost was paid to the City. The final fee amounts are to be adjusted if necessary to match the unit quantity and unit price amounts based on the as-built contract unit quantity amounts. Please provide a copy of the as-built quantity amounts with total amounts for each item. The as built amounts should be noted or stamped as “as-built contract quantity and unit price amounts”. The engineering inspection fee charged by the City will be adjusted to match these amounts if necessary. The City is to receive payment on the adjusted cost amounts prior to project acceptance. As-built contract **unit quantity and unit price** amounts for the pavement (including fire lane if applicable), drive approaches, sidewalks, barrier free ramps, wastewater, storm sewer, drainage structures (including underground detention), water lines, along with all associated fixtures which are located within the defined right-of-ways and easements of the project.
4. Storm Sewer Outfall Coordinates - It is now necessary to tie down all the storm sewer outfall pipes to our state plane Coordinate System. The design engineer will be required to provide the following coordinate information which is to be submitted in letterform showing the x, y, and z coordinates at the end of all storm sewer outfalls of the project.
5. Maintenance bonds are to be submitted to the City of Rockwall for the paving and utilities installed at the project. The bonds shall be **two-year** 10% maintenance bonds to cover maintenance, for a two-year timeline starting from the **“Date of City of Rockwall’s Acceptance”** for the project. There is to be no date in the starting timeline only the above

wording.

- A. The utility bond shall cover the following utility systems and their associated fixtures.
 - o Storm sewer (including detention systems)
 - B. The paving bond shall cover the following:
 - o Street Pavement.
6. Engineered Retaining Wall Inspection & Letter of Concurrence – The City requires the design engineer for any retaining wall which is three-feet in height or taller, to periodically inspect, or make arrangements for his designated representative to periodically inspect the retaining wall/walls during the construction process. The design engineer is to submit letter of concurrence for the retaining wall/walls to the City prior to project acceptance. The letter shall contain the **seal and signature** of the retaining wall design engineer.

- Site Items -

- 1. Grass is to be established at all of the disturbed areas. The grass is to be maintained until such time that a general coverage density of 75-80% of the disturbed area has been established with a minimum grass stand height of one-inch. This includes the area on the westside of Damascus where all the trees were mulched and extra dirt was scattered out from the detention pond
- 2. Maintain existing or install additional construction site erosion BMP's as necessary, to stabilize the disturbed soil or contain silt migration.
- 3. Clean mud from concrete flume in detention pond and underground storm drain pipe under Damascus needs to be videoed inspected to make sure it hasn't been filled up with silt from the mud coming off the slopes of the parking lot into a unprotected inlet.
- 4. All construction related trash material and miscellaneous debris is to be removed from the site and properly disposed.
- 5. Maximum slopes allowed by the City of Rockwall shall be a 4:1 slope. All slope areas which exceed the above noted slope requirements are to be re-graded or retained unless otherwise approved by the City Engineer. All slopes are to be graded so as to achieve the most gradual slope possible, unless otherwise noted on the approved construction plans.
- 6. Final Grading – re-establish all drainage swales, as necessary to achieve conformance to the drainage patterns shown on the approved grading plans. Grade to drain any locations which may hold water or obstruct approved drainage flow patterns. All graded areas, including slopes are to be brought to a final grade surface that is smooth and uniform being relatively free of erosion washouts, tire ruts, dirt clods, silt deposits etc, care should be taken to re-grade any rough surface areas prior to the application of erosion matting or grass seeding. From the curb to the retaining wall on Damascus the ROW needs to be regraded and grass established.
- 7. All required landscaping is to be installed at the site and comply with the approved landscape plan. The site landscaping is to be inspected by Ryan Miller- Director of Planning and Zoning, or his designated representative prior to project acceptance.

For additional information, regarding this check list or site work status please contact – *JEFF PERSFUL*, who is the designated Construction Inspector for the site-work on this project for the City of Rockwall, regarding this list. Project acceptance is subject to but not necessarily limited to the above listed punch list items. *JEFF PERSFUL*, may be reached at telephone no. 972-771-7746.

Sincerely,

JEFF PERSFUL

Construction Inspector
City of Rockwall, Engineering Department

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