

REGULAR MEETING

Monday, December 18, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session

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

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section §551.074 (Personnel Matters).
2. Discussion regarding a petition to be released from the city's Extraterritorial Jurisdiction (ETJ) and S.B. No. 2038, pursuant to Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Councilmember Lewis

VI. Appointment Items

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

VII. Open Forum

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

VIII. Take Any Action as a Result of Executive Session

IX. Consent Agenda

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

these items, please do so during "Open Forum."

1. Consider approval of the minutes from the December 4, 2023, city council meeting, and take any action necessary.

X. Public Hearing Items

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

1. **Z2023-052** - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Office Building* that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and take any action necessary (**1st Reading**).
2. **Z2023-053** - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 4 (PD-4) [*Ordinance No. 72-03 & 01-26*] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (**1st Reading**).

XI. Action Items

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

1. Discuss and consider approval of a resolution setting solid waste collection rates, and take any action necessary.
2. Discuss and consider approval of a resolution setting water and wastewater rates and associated deposits, and take any action necessary
3. Discuss and consider authorizing the City Manager to execute an agreement extension with HHW Solutions for collection of household hazardous waste and e-waste items, and take any action necessary.

XII. Adjournment

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

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

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 15th day of December 2023, at 4:30 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 4, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen and Councilmembers Sedric Thomas, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza was virtually present for Executive Session. Mayor Pro Tem Anna Campbell and Councilmember Mark Moeller were absent from the meeting.

II. Executive Session

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

Council adjourned from Ex. Session at 5:40 p.m.

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

Mayor Johannesen reconvened the meeting at 6:00 p.m.

V. Invocation and Pledge of Allegiance - Mayor Pro Tem Campbell

In the absence of Mayor Pro Tem Campbell, Mayor Johannesen delivered the invocation and led the Pledge of Allegiance.

VI. Open Forum

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. No one indicated a desire to speak, so Mayor Johannesen closed Open Forum.

VII. Take Any Action as a Result of Executive Session

Councilmember Thomas moved to appoint Kevin Hadawi to fill a vacant seat on the Architectural Review Board (through August of 2024). Councilmember Jorif seconded the motion, which passed by a vote of 5

ayes with 2 absences (Moeller and Campbell).

Councilmember McCallum moved to reappoint John Hohenshelt to serve an additional term on the Rockwall Economic Development Corporation (REDC) Board (through December of 2025). Councilmember Thomas seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller and Campbell).

Councilmember Moeller moved to reappoint Kayne Pierce to serve an additional term on the Rockwall Economic Development Corporation (REDC) Board (through December of 2025). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller and Campbell).

VIII. Consent Agenda

1. Consider approval of the minutes from the November 20, 2023 city council meeting, and take any action necessary.
2. **Z2023-049** - Consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a Specific Use Permit (SUP) for Heavy Manufacturing on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary **(2nd Reading)**.
3. **Z2023-050** - Consider a request by Keith Green for the approval of an **ordinance** for a Specific Use Permit (SUP) for Guest Quarters/Secondary Living Unit on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary **(2nd Reading)**.
4. **Z2023-051** - Consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport Road, and take any action necessary **(2nd Reading)**.
5. **P2023-038** - Consider a request by Erick Nolasco of Eagle Surveying, LLC on behalf of David Lindsay of Tri-Tex Construction, Inc. for the approval of a *Final Plat* for Lot 1, Block A, Tri-Tex Addition being a 1.50-acre tract of land identified as Tract 8-3 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 955 Sids Road, and take any action necessary.
6. Consider authorizing the award of a bid to Axis Construction for the purchase and installation of a KASCO Tank Mixing System, including authorizing the city manager to issue a purchase order in the amount of \$55,040, to be funded by the Water Operations Budget, and take any action necessary.
7. Consider approval of the purchase with Axon Enterprise Inc. for Taser replacement and authorize the City Manager to execute a purchase order in the amount of \$432,260 to be funded by Police Patrol Operating Budget, and take any action necessary.

Councilmember McCallum moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7).

Councilmember Thomas seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-64
SPECIFIC USE PERMIT NO. S-320**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR HEAVY MANUFACTURING ON A 32.00-ACRE PORTION OF A LARGER 77.148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. H. B. JONES SURVEY, ABSTRACT NO. 125, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 23-65
SPECIFIC USE PERMIT NO. S-321**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 23-66**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.60-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 21 & 21-01 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBITS 'A' & 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve the entire Consent Agenda passed by a vote of 5 ayes with 2 absences (Campbell and Moeller).

IX. Action Items

- 1. MIS2023-015** - Discuss and consider a request by Randy Heinrich of Master Plan on behalf of QA Logistics Rockwall, LP for the approval of a *Miscellaneous Case* for a *Variance* to the proximity requirements for the sale and on-site consumption of alcoholic beverages on a 1.50-acre portion of a larger 5.1292-acre parcel of land identified as Lot 2, Block D, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1915 Alpha Drive, and take any action necessary.

Planning Director Ryan Miller provided brief background information on this agenda item. He explained that the applicant is requesting consideration of a variance to the alcohol proximity requirements in order to locate a craft brewery at this location. The requirement is normally a 300' separation 'as the crow flies' (parcel line to parcel line) from the property selling alcohol to a school. In this case the subject property is 238.5' away from the Herman Utley Middle School property. Any approval of this variance request would be a discretionary decision on the part of the city council.

The applicant came forth at this time to address the Council (Andrew with "Master Plan" and Randy Heinrich, who's prosing to do "Triple H Brewing" at this location). Andrew explained there is no direct pedestrian access between Randy's space and the school. It will be a small batch brewery with a food component to it. It's tucked away within a "Light Industrial" zoned district, which is one type of zoning where a craft brewery use could be established. They feel this is an appropriate location and are asking for Council's approval.

Councilmember Thomas expressed that he has concerns about this proposed establishment being located so close to the school property. Although he is in favor of small businesses and Rockwall residents being able to enjoy local, craft brewed beer, he is concerned about its close proximity to the school and the stadium.

The applicant mentioned other businesses such as Walmart and Texas Roadhouse that are also located nearby and also sell alcohol. He went on to express that he did look at other potential locations, but, unfortunately, those other locations just would not work well for what he is hoping to do with his business. The applicant explained what his business hours may be throughout the week. Councilmember Lewis expressed concern about the location, especially related to Friday nights when school football season is occurring and traffic will be really challenging in and around the school stadium. The applicant shared that he might need to adjust his Friday evening hours if the traffic does pose challenges.

Councilmember Jorif pointed out that Walmart does not allow 'on-premise consumption' of alcohol. He, on the other hand, is wanting to sell alcohol that will be consumed on-site. He generally expressed that he has large concerns about this location considering how close it is to the school and to the stadium.

The applicant indicated that perhaps the hours on Friday nights when football season is going on, he can alter the hours of operation so as to not conflict with those activities. He believes this is a 'citizen serving use' that will have a food component to it, and it will be a great place for Rockwall residents to enjoy, even along with their families.

Councilmember Jorif shared that this being located right across the street from the school property is concerning.

Mayor Johannesen shared that he personally has no problem with this request, and he believes this case is a perfect example of when an SUP is required. He believes that protection of any access by children to this

brewery location is covered by the State and by TABC.

Mayor Johannesen moved to approve MIS2023-015. Councilmember Lewis seconded the motion. Councilmember Thomas shared that the hours of operation may be something to take into consideration associated with this SUP request. Councilmember McCallum shared that he personally has a small business that has a TABC license and sells alcohol. However, he also shares some of the same concerns that Councilmembers Jorif and Thomas have expressed. He knows the applicant, Mr. Heinrich, and he believes he will be a responsible business owner. Following the brief comments, the motion to approve passed by a vote of 4 ayes, 1 nay (Jorif) and 2 absences (Campbell and Moeller).

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

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

No discussion took place regarding the monthly reports.

XI. Adjournment

Mayor Johannesen adjourned the meeting at 6:19 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF DECEMBER, 2023.

TRACE JOHANNESSEN, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY



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: December 18, 2023

APPLICANT: Matt Wavering; *Rockwall Economic Development Corporation (REDC)*

CASE NUMBER: Z2023-052; *Specific Use Permit (SUP) for La Jolla Pointe Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of a Specific Use Permit (SUP) for an *Office Building* that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on September 5, 1960 by *Ordinance No. 60-02 [Case No. A1960-002]*. At the time of annexation, the subject property was zoned Agricultural (AG) District. At some point between the time of annexation and January 3, 1972, the subject property was zoned from an Agricultural (AG) District to a Commercial (C) District. On November 17, 2003, the City Council approved a final plat [Case No. P2003-024] that establish the subject property as Lot 1, Block A, La Jolla Pointe, Phase 2 Addition. On February 7, 2005 the City Council approved a replat [Case No. P2004-068] that reestablished the subject property as a Lots 4-6, Block A, La Jolla Pointe, Phase 2 Addition. On August 21, 2006, the City Council approved another replat [Case No. P2006-019] that change the subject property to Lots 6, 7, and a portion of Lot 8, Block A, La Jolla Pointe, Phase 2 Addition. On April 2, 2018, the City Council approved a Specific Use Permit (SUP) [Ordinance No. 18-20; S-187] allowing a *Limited Service Hotel* on a portion of the subject property. This Specific Use Permit (SUP) expired on October 1, 2020. On August 20, 2018 the City Council approved two (2) site plans [Case No. SP2018-024 & SP2018-025] to allow the construction of an *Office Building* and a *Medical Office Building* on the subject property. These site plans expired on August 20, 2020. On October 1, 2018 the City Council approved a site plan [Case No. SP2018-023] to allow the construction of a *Hotel*. This site plan expired on October 1, 2020. On March 2, 2020, the City Council approved a replat [Case No. P2020-009] that reestablished the subject property as Lots 22 & 23, Block A, La Jolla Pointe, Phase 2 Addition. The property has remained vacant since the time of annexation.

PURPOSE

On November 13, 2023, the applicant -- *Matt Wavering of the Rockwall Economic Development Corporation (REDC)* -- submitted an application requesting a Specific Use Permit (SUP) for an *Office Building* that will exceed 36-feet in height on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740]. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is La Jolla Pointe Drive, which is identified as a *Minor Collector* on Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 100-foot right-of-way owned by the *Union Pacific/Dallas Garland NE Railroad*. Beyond this is Phase 3 of the Turtle Cove

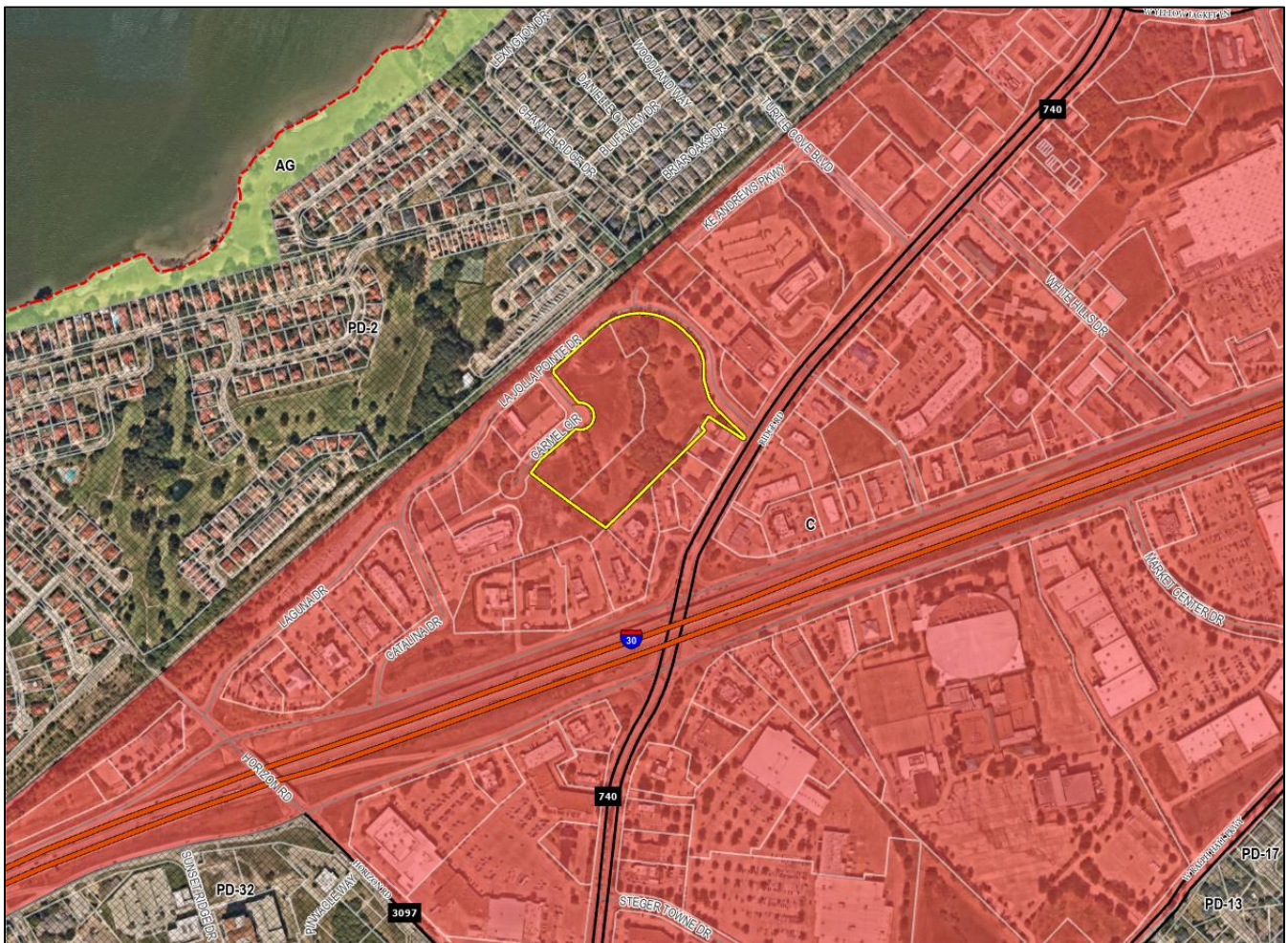
Subdivision, which consists of 102 single-family residential lots. This subdivision was established on April 11, 2000 and is zoned Planned Development District 2 (PD2) for single-family residential land uses.

South: Directly south of the subject property are several parcels developed with restaurants (*i.e. Steak N Shake, IHOP, Waffle House, Velvet Taco, and Snuffers*) that are zoned Commercial (C) District. Beyond this is the westbound frontage road of IH-30, followed by the main lanes of IH-30, and the eastbound frontage road for IH-30.

East: Directly east of the subject property are three (3) parcels of land developed with *Office Buildings (i.e. Ebby Halliday, Allstate, Epstein & Kolacz)* and zoned Commercial (C) District. Beyond this is Ridge Road, which is identified as a A4D (*i.e. major arterial, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this are several parcels of land developed with commercial/retail land uses that are zoned Commercial (C) District.

West: Directly west of the subject property is the intersection of Carmel Circle and La Jolla Pointe Drive. Carmel Circle is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) and La Jolla Pointe Drive is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a 100-foot right-of-way owned by the *Union Pacific/Dallas Garland NE Railroad*. Following this is Phase 3 of the Lakeside Village Subdivision, which consists of 122 single-family residential lots. This subdivision was established in 1972 and is zoned Planned Development District 2 (PD-2) for single-family residential land uses

MAP 1: LOCATION MAP
YELLOW: SUBJECT PROPERTY



CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan and a conceptual building height exhibit indicating that the proposed development scheme will be multi-story *Office Buildings*. Based on the conceptual building height exhibit, the intent of the requested Specific Use Permit (SUP) is to develop the subject property with *Office Buildings* that exceed the height requirement of 36-feet stipulated by the Scenic Overlay (SOV) District. According to the applicant's letter, the increased height is being requested in order to attract "high-quality employment opportunities" that are of "superior quality than the standard one or two-story garden-style office buildings." The applicant has also indicated that development of the property will be *highly selective*. Given this, the applicant is also requesting that the Specific Use Permit (SUP) remain effective for ten (10) years in lieu of the standard one (1) year per Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

CONFORMANCE WITH THE CITY'S CODES

According to Article 13, *Definitions*, of the Unified Development Code (UDC), an *Office Building* is defined as "(a) facility that provides executive, management, administrative, or professional services... not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices." In this case, the proposed concept plan indicates the development of *Office Buildings* on the subject property, which is in conformance with this definition. In addition, according to Subsection 06.02, *General Overlay District Standards*, Article 05, *District Development Standards*, of the Unified Development Code (UDC), any building over 36-feet in height requires a Specific Use Permit (SUP). This requirement prompted the applicant to submit for the proposed Specific Use Permit (SUP).

OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the *Future Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is situated within the *IH-30 Corridor District*. All of the property located within the *IH-30 Corridor District* is designated for the *Special Commercial (SC) Corridor* land use. The OURHometown Vision 2040 Comprehensive Plan describes the *Special Commercial (SC) Corridor* as being reserved for *Regional Centers*, which are described as being one (1) of the following four (4) models: *Strip Retail Center, Mixed-Use Center, Town Center, or Regional Designation Center*; however, the *Primary Land Uses* identified for this land use designation include *Corporate Office*. Based on this, the applicant's request is in conformance with the *Future Land Use Plan*. Staff should also note that the *IH-30 Corridor District* is divided into three (3) *Corridor Zones* (i.e. *the Preservation, Opportunity, and Transitional Zones*). In this case, the subject property is located within a *Transitional Zone*, which is defined as "(a) segment of the existing corridor that is currently underutilized due to incompatible land uses, building design, commercial densities, and/or land uses that do not maximize tax potential." The subject property is currently vacant and is surrounded by single-story, single-tenant *Office Buildings* and *Restaurants*. Based on this, the proposed future development would appear to maximize the subject property's tax potential and conform to the *IH-30 Corridor Plan* contained in Appendix 'B', *Corridor Plans*, of the OURHometown Vision 2040 Comprehensive Plan.

According to the *Vision Statement* within Chapter 06, *Economic Development*, of the OURHometown Vision 2040 Comprehensive Plan, "(t)he City of Rockwall should continue to build a diversified local economy by attracting and retaining businesses that can utilize the City's existing highly skilled workforce and aid in the creation of a stable and resilient tax base." In this case, the applicant's letter states that they intend to attract *Class-A* corporate office developments occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall." Given this, the applicant's request appears to conform to goals and policies laid out for *Economic Development* within the OURHometown Vision 2040 Comprehensive Plan.

STAFF ANALYSIS

In this case, the proposed concept plan and conceptual building height exhibit appear to conform with all of the density and dimensional requirements for a property in a Commercial (C) District, with the exception of maximum height requirement. The applicant's proposal also appears to conform with the intent of the OURHometown Vision 2040 Comprehensive Plan. Staff has included provisions in the Specific Use Permit (SUP) ordinance that will require general conformance with the concept plan at the time of site plan approval, and that the proposed buildings cannot exceed 120-feet as depicted in the conceptual building height exhibit. At the request of the applicant, staff has also included a ten (10) year term for the Specific Use Permit (SUP). This appears to be warranted due to the scale of the proposed development and the amount of time that may be necessary for

the Rockwall Economic Development Corporation (REDC) to attract high-quality corporate office users. With this being said, a request for a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On November 15, 2023, staff mailed 85 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Turtle Cove Homeowner's Association (HOA), which are the only Homeowners' Associations (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received two (2) notices in opposition and one (1) notice in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for an *Office Building* that exceeds 36-feet in height on the subject property, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
 - (b) Buildings on the *Subject Property* shall not exceed 120-feet or as depicted on the building elevations/cross sections contained in the Conceptual Building Heights in *Exhibit 'C'* of this ordinance.
 - (c) The Specific Use Permit (SUP) shall be valid for a period of ten (10) years from the approval date of this ordinance (*i.e. valid until January 2, 2034*). If an extension of the Specific Use Permit (SUP) is necessary, the property owner shall submit a request in writing to the Director of Planning and Zoning no less than 90-days prior to the expiration date of this ordinance (*i.e. October 4, 2033*). Upon receipt of a request for an extension, the Director of Planning and Zoning shall bring the request forward to the Planning and Zoning Commission and City Council for review. The Planning and Zoning Commission and City Council shall be charged with determining if an extension of the Specific Use Permit (SUP) is warranted. This shall be conducted in accordance with the process and procedures outlined in Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and with which this ordinance was originally adopted.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On December 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 4-2, with Commissioners Conway and Llewellyn dissenting and Commissioner Womble absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

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

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS La Jolla Pointe Drive

SUBDIVISION La Jolla Pointe Addition

LOT 22

BLOCK A

GENERAL LOCATION Corner of La Jolla Pointe Drive & Carmel Circle

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Commercial (C)

CURRENT USE vacant

PROPOSED ZONING Specific Use Permit (SUP)

PROPOSED USE office

ACREAGE 4.2837

LOTS [CURRENT]

LOTS [PROPOSED]

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

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

OWNER 36 Wagon Road, LLC

APPLICANT Rockwall Economic Development Corporation

CONTACT PERSON Paul Liechty

CONTACT PERSON Matt Wavering

ADDRESS 502 Terry Lane

ADDRESS 2610 Observation Trl, Suite 104

CITY, STATE & ZIP Heath, TX 75032

CITY, STATE & ZIP Rockwall, TX 75032

PHONE

PHONE 972-772-0025

E-MAIL

E-MAIL mwavering@rockwalledc.com

NOTARY VERIFICATION [REQUIRED]

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

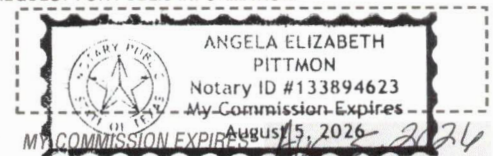
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$264.26 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 13th DAY OF November, 2023. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 7 DAY OF November, 2023

OWNER'S SIGNATURE

Paul Liechty
Angela Elizabeth Pittmon

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE)¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE)^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE)¹

OTHER APPLICATION FEES:

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

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS La Jolla Pointe Drive

SUBDIVISION La Jolla Pointe Addition

LOT 23

BLOCK A

GENERAL LOCATION La Jolla Pointe Drive, west of Ridge Rd

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Commercial (C)

CURRENT USE vacant

PROPOSED ZONING Specific Use Permit (SUP)

PROPOSED USE office

ACREAGE 5.6569

LOTS [CURRENT] _____

LOTS [PROPOSED] _____

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

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

OWNER Akshar 10, LLC

APPLICANT Rockwall Economic Development Corporation

CONTACT PERSON Shailesh Vora

CONTACT PERSON Matt Wavering

ADDRESS 2508 Sam School Road

ADDRESS 2610 Observation Trl, Suite 104

CITY, STATE & ZIP Southlake, TX 76092

CITY, STATE & ZIP Rockwall, TX 75032

PHONE _____

PHONE 972-772-0025

E-MAIL scvora@sbcglobal.net

E-MAIL mwavering@rockwalledc.com

NOTARY VERIFICATION [REQUIRED]

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

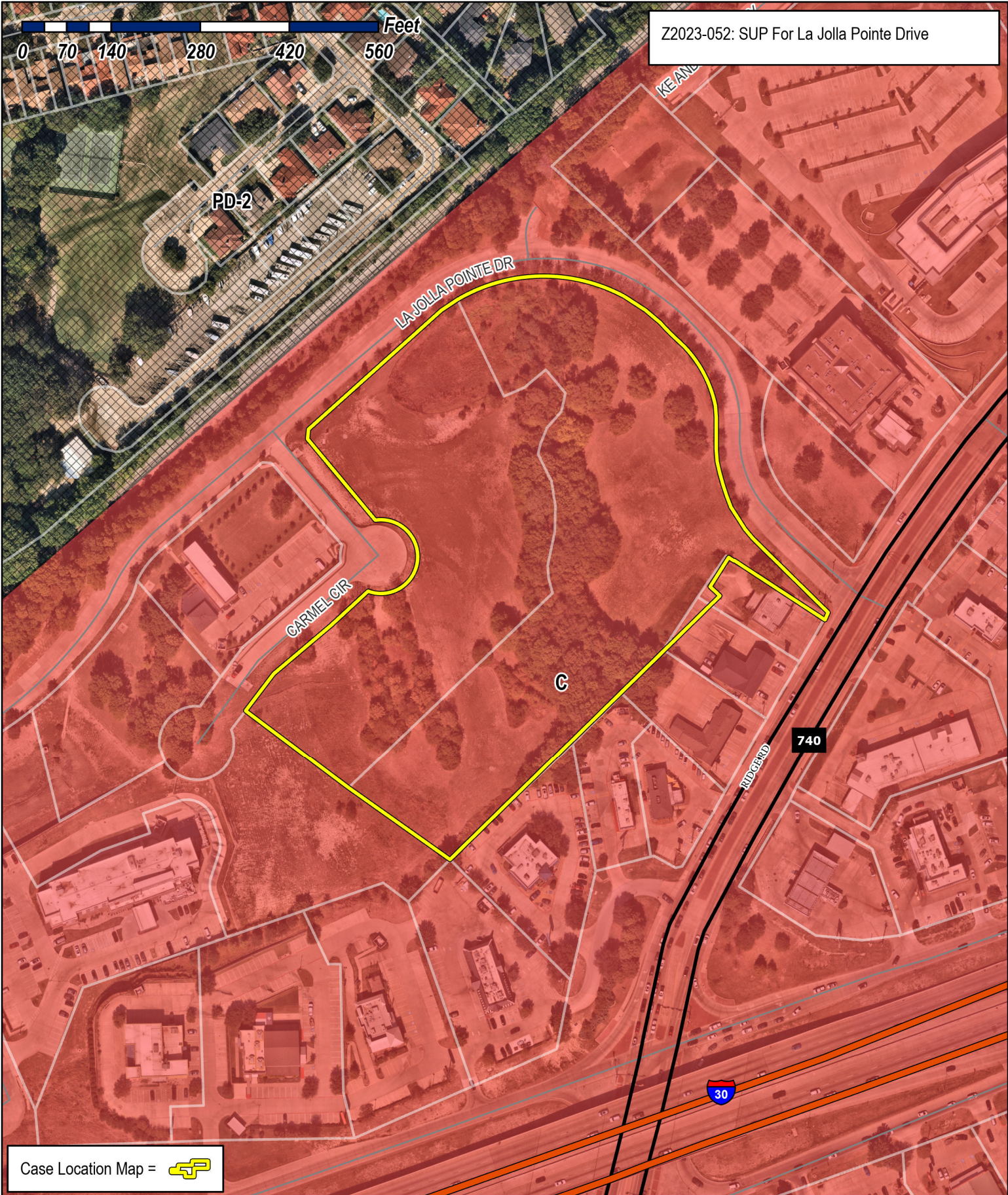
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$284.85 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 13th DAY OF November, 2023. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 4 DAY OF November, 2023

OWNER'S SIGNATURE _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____





Z2023-052: SUP For La Jolla Pointe Drive

Case Location Map = 



City of Rockwall

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

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

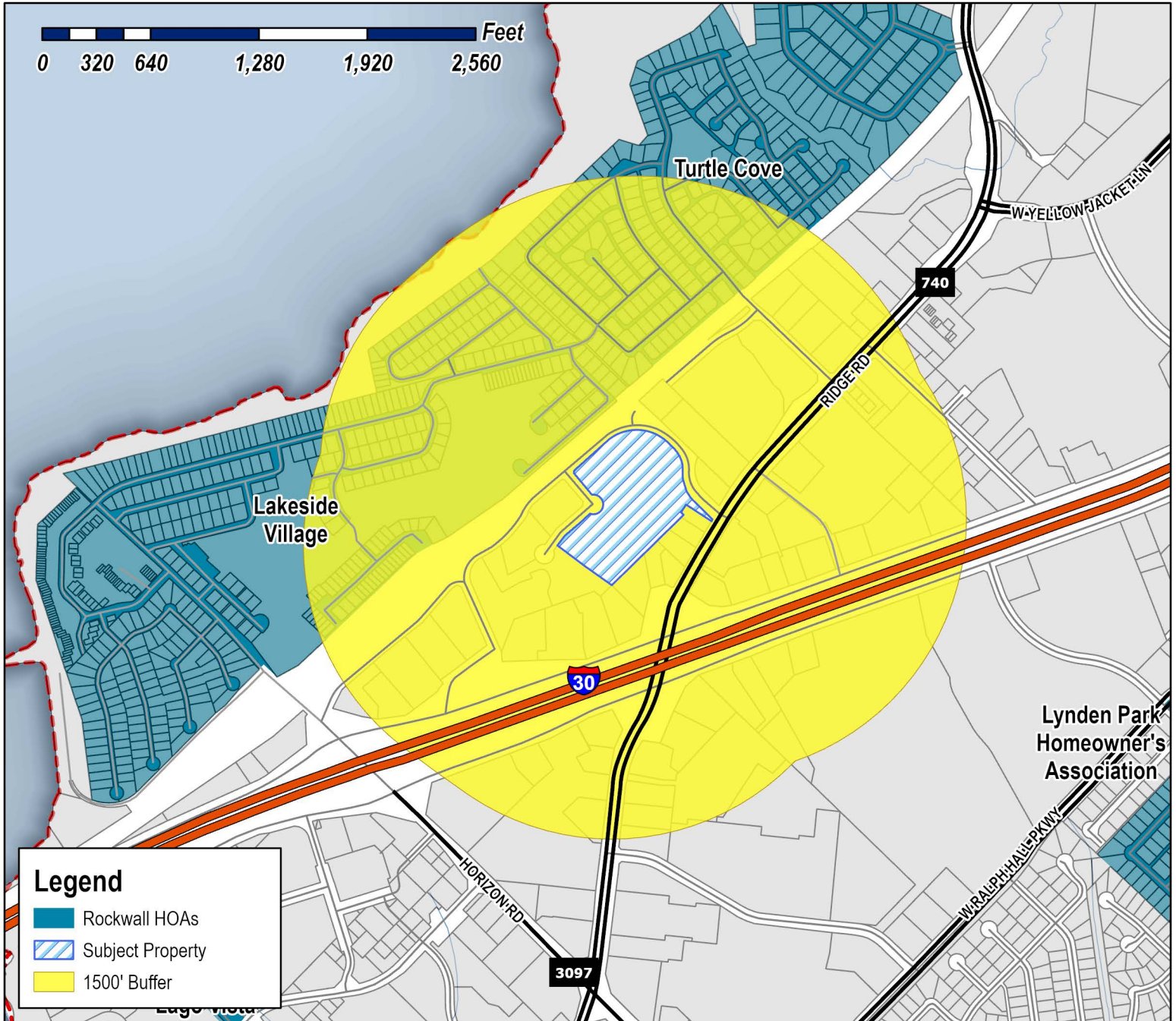




City of Rockwall

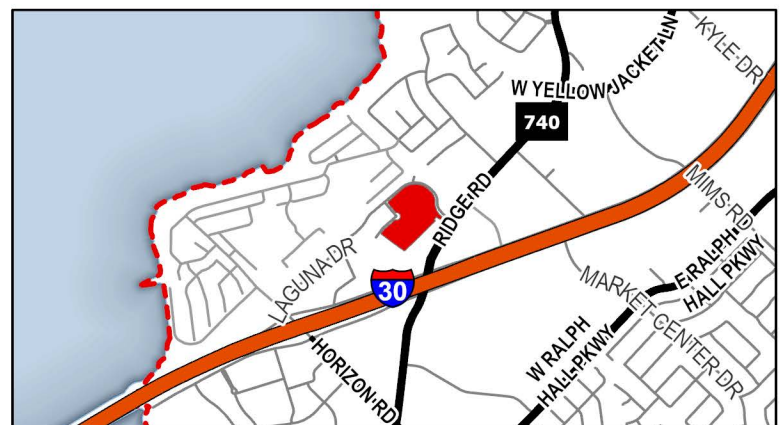
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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



Case Number: Z2023-052
Case Name: SUP for La Jolla Pointe Drive
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: La Jolla Pointe Drive

Date Saved: 11/13/2023
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Zavala, Melanie
Sent: Thursday, November 16, 2023 3:19 PM
Cc: Miller, Ryan; Ross, Bethany; Guevara, Angelica; Lee, Henry
Subject: Neighborhood Notification Program [Z2023-052]
Attachments: Public Notice (P&Z) (11.15.2023).pdf; HOA Notification Map (11.13.2023).pdf

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on [November 17, 2023](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, December 12, 2023 at 6:00 PM](#), and the City Council will hold a public hearing on [Monday, December 18, 2023 at 6:00 PM](#). Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

Z2023-052: SUP for La Jolla Pointe Drive

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of a [Specific Use Permit \(SUP\)](#) for an [Office Building](#) that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [[FM-740](#)], and take any action necessary.

Thank You,

Melanie Zavala

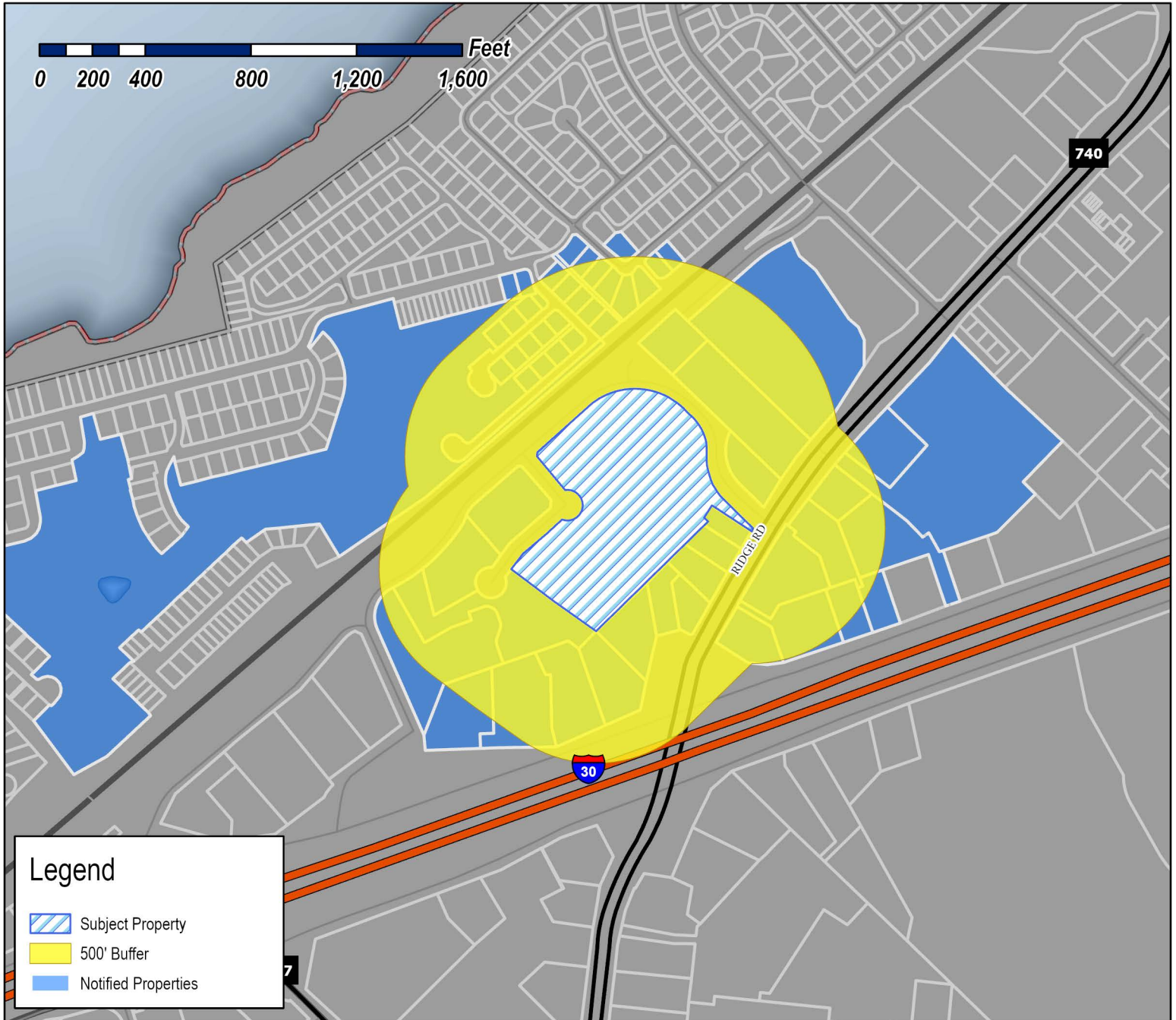
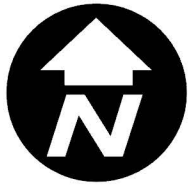
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall
385 S. Goliad Street | Rockwall, TX 75087
<http://www.rockwall.com/>
972-771-7745 Ext. 6568



City of Rockwall

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

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



Case Number: Z2023-052
Case Name: SUP for La Jolla Pointe Drive
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: La Jolla Pointe Drive



Date Saved: 11/13/2023

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

SPARKS TANA J
1000 SPARKS DR
FATE, TX 75087

SHIPMAN FIRE GROUP INC
1020 LA JOLLA POINTE DRIVE
ROCKWALL, TX 75087

TURTLE COVE RESIDENTIAL ASSOC INC
C/O NEIGHBORHOOD MANAGEMENT
1024 S GREENVILLE AVE SUITE 230
ALLEN, TX 75002

STEAK N SHAKE OPERATIONS, INC
C/O THE STEAK N SHAKE COMPANY
107 S PENNSYLVANIA ST SUITE 400
INDIANAPOLIS, IN 46204

TOLKACHJOV HOLDINGS ROCKWALL LLC
1105 LADY DE VANCE LN
LEWISVILLE, TX 75056

BOLD LLC
121 WYLER DR
DAKOTA, IL 61018

RESIDENT
1600 LA JOLLA POINTE DR
ROCKWALL, TX 75087

TRITON I-30 ROCKWALL LLC
1845 WOODALL ROGERS FREEWAY, SUITE 1100
DALLAS, TX 75201

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

2424 MTA REALTY LLC
2424 RIDGE ROAD
ROCKWALL, TX 75087

RESIDENT
2455 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2475 RIDGE RD
ROCKWALL, TX 75087

ESTATE OF DR RICHARD L BROOKS
2504 RIDGE RD STE 107
ROCKWALL, TX 75087

BROOKS RICHARD L MD
2504 RIDGE RD STE 101
ROCKWALL, TX 75087

AKSHAR 10 LLC
2508 SAM SCHOOL ROAD
SOUTHLAKE, TX 76092

RESIDENT
2510 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2535 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2545 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2555 RIDGE RD
ROCKWALL, TX 75087

BELAC PROPERTIES LLC
2600 RIDGE RD STE 102
ROCKWALL, TX 75087

BROOKS TIM
2602 RIDGE ROAD SUITE 1
ROCKWALL, TX 75087

RESIDENT
2604 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2608 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2610 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
2616 RIDGE RD
ROCKWALL, TX 75087

2455 RIDGE LLC
2701 CUSTER PARKWAY SUITE 706
RICHARDSON, TX 75080

HALL JUSTIN KIMBELL
2902 PRESTON TRAIL
ROCKWALL, TX 75087

MARLEY KELLE AND CLAYTON D
2904 PRESTON TRAIL
ROCKWALL, TX 75087

DUCHARME JASON
2906 PRESTON TRAIL
ROCKWALL, TX 75087

LEE GREGORY P AND LAUREN W
2908 PRESTON TRAIL
ROCKWALL, TX 75087

KESTER SEAN AND MISTI
2910 PRESTON TRAIL
ROCKWALL, TX 75087

EHLERT GORDON W & LINDA K
3001 PRESTON CT
ROCKWALL, TX 75087

RESIDENT
3002 PRESTON TR
ROCKWALL, TX 75087

TURNER CECE
3002 PRESTON CT
ROCKWALL, TX 75087

SANCHEZ ENEIDA
3003 LAKESIDE DR
ROCKWALL, TX 75087

ROGERS GENTRY
3003 PRESTON COURT
ROCKWALL, TX 75087

RESIDENT
3004 PRESTON TR
ROCKWALL, TX 75087

MILLER KATHLEEN PALMER
3004 PRESTON CT
ROCKWALL, TX 75087

RESIDENT
3005 PRESTON CT
ROCKWALL, TX 75087

RESIDENT
3006 PRESTON TR
ROCKWALL, TX 75087

HAMBLEY DAVID L JR & CAROL A
3006 PRESTON COURT
ROCKWALL, TX 75087

CHILDRESS DENNIS K JR & HILARY
3007 LAKESIDE DR
ROCKWALL, TX 75087

BURK CATHERINE & HOWARD T
3007 PRESTON CT
ROCKWALL, TX 75087

RESIDENT
3008 PRESTON TR
ROCKWALL, TX 75087

ZUMWALT HAROLD J & VICKY
3009 PRESTON CT
ROCKWALL, TX 75087

GANCI GLENN
305 DREW LN
HEATH, TX 75032

LOTL HOLDINGS LLC
320 PORTVIEW PLACE
ROCKWALL, TX 75032

RESIDENT
4100 VILLAGE DR
ROCKWALL, TX 75087

ROBERTS JAMES F
4112 VILLAGE DR
ROCKWALL, TX 75087

QSR 30 LAND LLC
4515 LBJ FREEWAY
DALLAS, TX 75224

CBAX PROPERTIES LLC
465 W PRESIDENT GEORGE BUSH HWY
RICHARDSON, TX 75080

36 WAGON ROAD, LLC
502 TERRY LANE
HEATH, TX 75032

36 WAGON ROAD, LLC
502 TERRY LANE
HEATH, TX 75032

RESIDENT
550 LA JOLLA DR
ROCKWALL, TX 75087

RESIDENT
550 VIGOR WAY
ROCKWALL, TX 75087

RESIDENT
550 E I30
ROCKWALL, TX 75087

RESIDENT
560 E I30
ROCKWALL, TX 75087

RESIDENT
568 E I30
ROCKWALL, TX 75087

RESIDENT
578 E I30
ROCKWALL, TX 75087

ROCKWALL CORNER CORPORATION
600 E I-30
ROCKWALL, TX 75087

RESIDENT
610 I30
ROCKWALL, TX 75087

ROCKWALL INNKEEPERS I LTD
6176 FM 2011
LONGVIEW, TX 75603

ROCKWALL INNKEEPERS I LTD
6176 FM 2011
LONGVIEW, TX 75603

RESIDENT
630 I 30
ROCKWALL, TX 75087

ZASTROW BRADLEY L & SANDRA D
641 CHANNEL RIDGE DR
ROCKWALL, TX 75087

COGDELL CHELSEA ANNE
645 CHANNEL RIDGE DRIVE
ROCKWALL, TX 75087

SVRCEK JOSEPH T
649 CHANNEL RIDGE DR
ROCKWALL, TX 75087

PAUL'S KWIK KAR INC
650 E INTERSTATE 30
ROCKWALL, TX 75087

MCCOY RAYMOND & BELVA
653 CHANNEL RIDGE DR
ROCKWALL, TX 75087

RESIDENT
657 CHANNEL RIDGE DR
ROCKWALL, TX 75087

ALLEN TEXAS WHITE TIGER CORPORATION
853 BEAR CROSSING DRIVE
ALLEN, TX 75013

MCDONALDS CORP (398/42)
C/O KEVA CHILDRESS
935 W RALPH HALL PKWY #101
ROCKWALL, TX 75032

SANDERS JOLINDA
950 BRIAR OAKS DRIVE
ROCKWALL, TX 75087

FIELDS TODD H AND NANCY E
954 BRIAR OAKS DR
ROCKWALL, TX 75087

GERRALD SCOTT W & JUDY A
955 BRIAR OAK DR
ROCKWALL, TX 75087

WILLIAMS KYLIE J
958 BRIAR OAK DR
ROCKWALL, TX 75087

JAGH HOSPITALITY LP
996 E I-30
ROCKWALL, TX 75087

ROBERT H FAMILY TRUST AND BMK FIN CORP
AND
SHERRI LANE HEWETT AND SUSAN LYNNE
HEWETT LUCAS
C/O IHOP ATTN HAKIM REMA P. O. BOX 12168
DALLAS, TX 75225

LAKESIDE VILLAGE HOMEOWNERS
P.O. BOX 650255
DALLAS, TX 75265

LAKESIDE VILLAGE HOMEOWNERS
P.O. BOX 650255
DALLAS, TX 75265

LAKESIDE VILLAGE HOMEOWNERS
P.O. BOX 650255
DALLAS, TX 75265

LAKESIDE VILLAGE H O ASSOC
P.O. BOX 650255
DALLAS, TX 75265

B&M ALPHA INC
PO BOX 171754
ARLINGTON, TX 76003

ROCKWALL II PROPERTIES LLC
PO BOX 630768
HOUSTON, TX 77263

WAFFLE HOUSE INC
ATTN: TAX DEPT
PO BOX 6450
NORCROSS, GA 30091

PUBLIC NOTICE



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

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

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

Z2023-052: SUP for La Jolla Pointe Drive

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of a Specific Use Permit (SUP) for an Office Building that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, December 12, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, December 18, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, December 18, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2023-052: SUP for La Jolla Pointe Drive

Please place a check mark on the appropriate line below:

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

[Redacted area]

Name: [Redacted]

Address: [Redacted]

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

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

Lee, Henry

From: Lisa Epstein <[REDACTED]>
Sent: Wednesday, November 29, 2023 2:43 PM
To: Planning
Cc: Bradley Epstein
Subject: Case No. 22023-052: SUP for La Jolla Pointe Drive

Hello,

I am contacting you to state my opposition for the proposed specific use permit for La Jolla Pointe Drive.

My husband and I own the building located at 2600 Ridge Road, and the proposed change will negatively impact our building in several ways.

First, it will completely destroy our view of the lake. We have a deck on the back of our building that we currently use for client events. We appreciate being able to do this and share our view with clients. If this SUP passes, we will no longer be able to enjoy this important aspect of our building. Secondly, our property value will be negatively affected. Our view is currently a major "selling point" of our building and without that view, the value of the building will decrease. Our property will be significantly financially impacted, how is this to be resolved in a way that feels fair? Going against current codes and restrictions will come at a negative financial impact to the value of the building. Where will this restitution come from and how will this difference be rectified? Another issue we have with a large building behind us is all of the traffic and noise it will bring. We are located near a very busy intersection and traffic already stacks up, making it difficult at times to enter or exit our parking lot.

Years ago, we proposed raising the height of the building to add a second story. At that time, P & Z told us that we were unable to raise the building, due to the height restrictions in the scenic overlay. Why now is the city considering waiving the height restrictions within the scenic overlay? Why would the city not enforce the same rules and restrictions that we have lived by ever since?

Additionally, the highlighted area designating the new development seems to come all the way up to Ridge Road, next to our building. We believe that this is city property, and we have been maintaining that property for years with regards to landscaping, etc. We are concerned about the possible placement of any sort of construction, including signage, in that strip of land. We are against any alteration or construction of any sort in that area.

We understand that growth is coming, and that a new office building is something that would benefit the city in many ways. We also strongly believe that Lake Ray Hubbard adds a significant benefit to our community. Part of that benefit is the lake's beauty, which is accessible to all. We are under threat of losing this benefit to the community and to our building. Therefore, we don't believe that it is within the rights of that developer to encroach upon those views. After all, this is why the city has established height restrictions for this area.

I will be in attendance at the meeting December 12, but cannot attend the meeting on December 18.

Thank you for the time and attention regarding our opposition to the SUP proposed for La Jolla Pointe Drive.

Sincerely,
Lisa Epstein

[REDACTED]

Lee, Henry

From: Sean Kester <[REDACTED]>
Sent: Monday, November 20, 2023 7:20 PM
To: Planning
Subject: Case No. Z2023-052: SUP for La Jolla Pointe Drive

Opposed, with conditions.

My house is the closest to the proposed variance plan. The green areas are very important to me and enhance the value of my property. The lack of light pollution enhances the value of my property. The quietness enhances the value of my property.

Sure there is a train track between, but that train is minimal (and I love trains as I work in supply chain).

What would make it palatable includes several points. #1 is in the fall/winter when the leaves are down, I don't want to be sitting in my backyard and see buildings. #2 is preserve much of the green, mature growth as possible. #3 Keep the light pollution to an absolute minimum. #4 No, I do not want some high rise looking into my property. I can see the beautiful American flag from my front yard and that's all I want to see - no buildings.

On the sound, well some buildings there would add a buffer from I-30 noise, so that would be a positive (when the wind blows right).

Respectfully submitted,

Sean Kester
[REDACTED]

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

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

PUBLIC NOTICE



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

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

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

Z2023-052: SUP for La Jolla Pointe Drive

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Paul Liechty of 36 Wagon Road, LLC and Shailesha Vora of Akshar 10, LLC for the approval of a Specific Use Permit (SUP) for an Office Building that will exceed 36-feet in the Scenic Overlay (SOV) District on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, December 12, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, December 18, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, December 18, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2023-052: SUP for La Jolla Pointe Drive

Please place a check mark on the appropriate line below:

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

This is great location in Rockwall for several commercial businesses. Large office Bldg - multi-story will be visible from Hwy (like Trend Tower). It will bring more businesses to Rockwall, especially with expanding Hwy

DRSHAILESHVORA@gmail.com DR VORA

Name: Shailesh VORA MD

Address: [Redacted]

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

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



November 13, 2023

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

Re: La Jolla Pointe Drive

Mr. Miller:

Enclosed you will find an application and supporting documents requesting that the Planning and Zoning Commission and City Council grant a Specific Use Permit (SUP) on the 9.9406-acre tract of land located on La Jolla Pointe Drive in Rockwall. The Rockwall Economic Development Corporation (REDC) has contracts to purchase the two parcels of land and has been performing due diligence and planning exercises over the past several months.

The REDC intends to utilize the property to attract “Class-A” corporate office developments occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall. In order to attract the tenants and the significant tax value investment desired by the REDC, we are proposing office projects that will be vertical in nature, which we feel will be of superior quality than the standard one or two-story garden-style office buildings that are more commonly seen without public involvement.

The provided cross-sections show a potential maximum building height of 120 feet above grade. Therefore, the zoning requires an amendment to allow for building heights up to 120 feet, as well as the FAR (floor area ratio) to accommodate office buildings of this scale. Please note that the property grade is approximately 12 feet below the elevation of Ridge Road and 13 feet below the elevation of Carmel Circle. Furthermore, the site’s elevation is 20 feet or more below the Ridge Road elevation.

It is worth noting that the REDC is strictly governed by state statute as well as oversight provided by a Board of Directors of Rockwall residents appointed by the Rockwall City Council. You may rest-assured that the future development of this property will be of the highest-quality, will adhere to City of Rockwall development standards, and will support business enterprise and local employment alike. Furthermore, the REDC is highly selective in its recruiting efforts and therefore will be patient in the development of this property, not wishing to compromise on quality for an expedient development. Due to this fact, the REDC requests that the SUP remains effective for a period of no less than 10 years in order to provide ample time for marketing and attraction efforts.

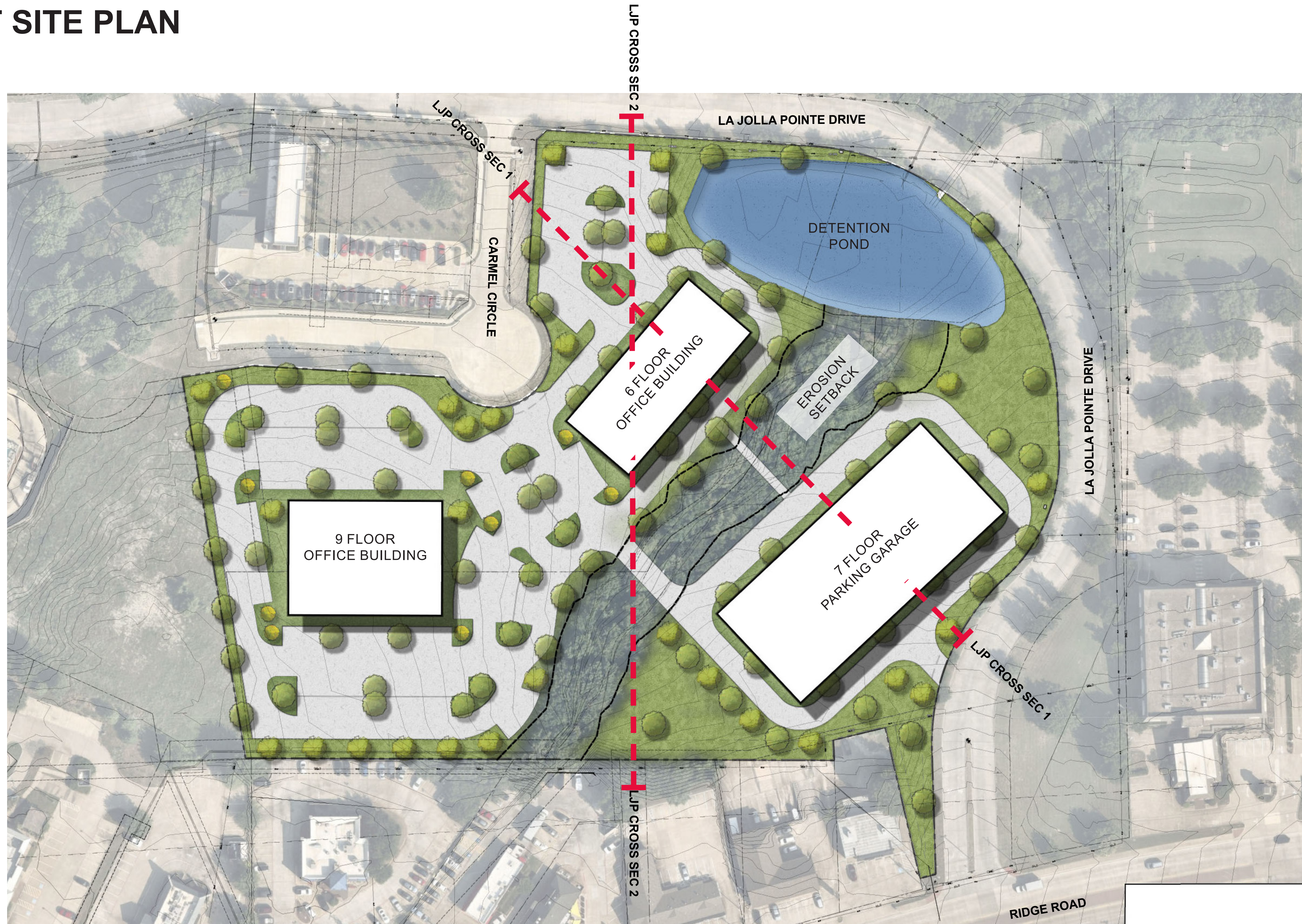
The REDC kindly requests this SUP to facilitate the development of this property for the purposes of high-quality corporate office development.

Respectfully,

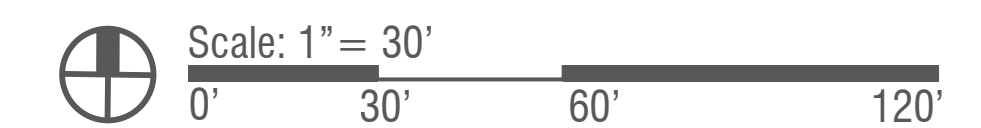
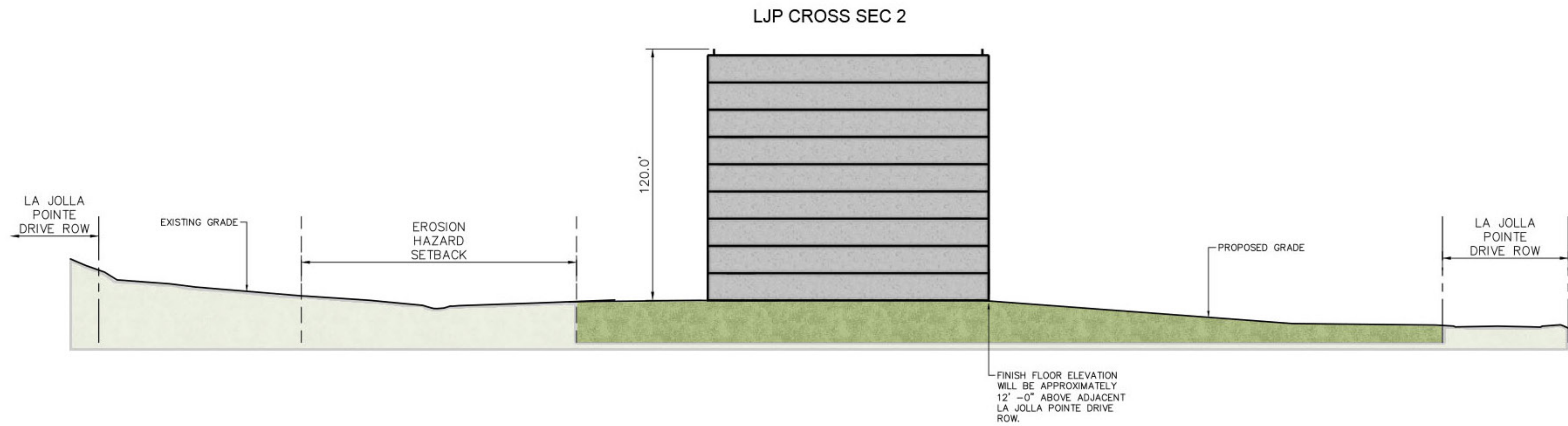
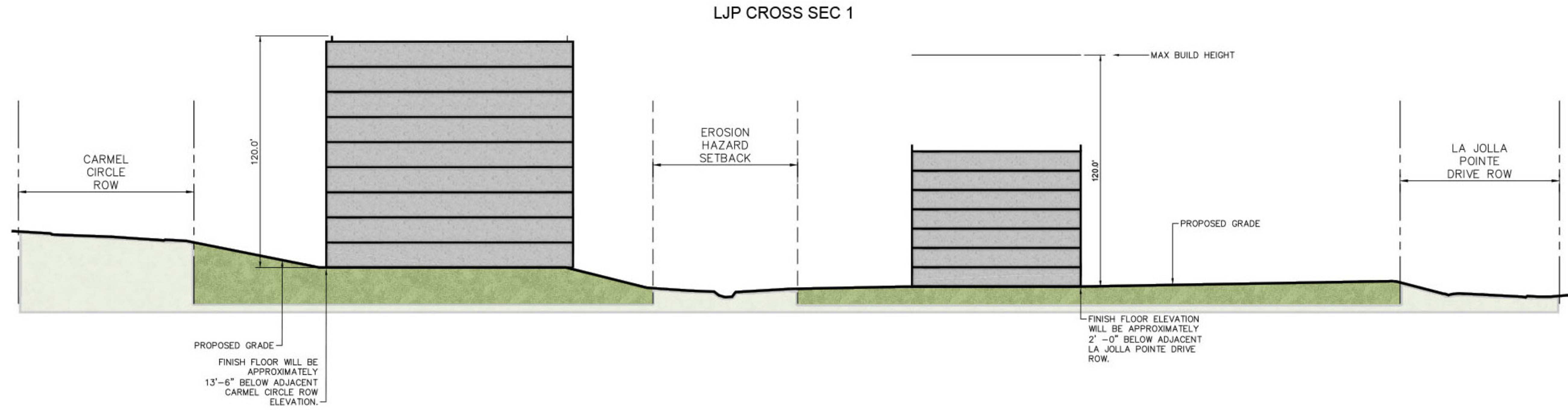
A handwritten signature in black ink, appearing to read "Matt Wavering". The signature is fluid and cursive, with a large loop at the end.

Matt Wavering
Vice President

CONCEPT SITE PLAN

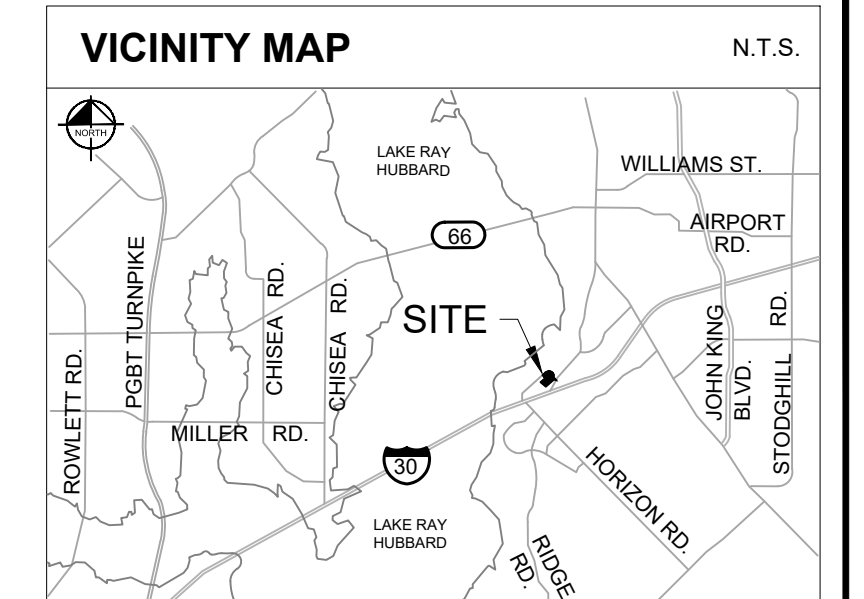
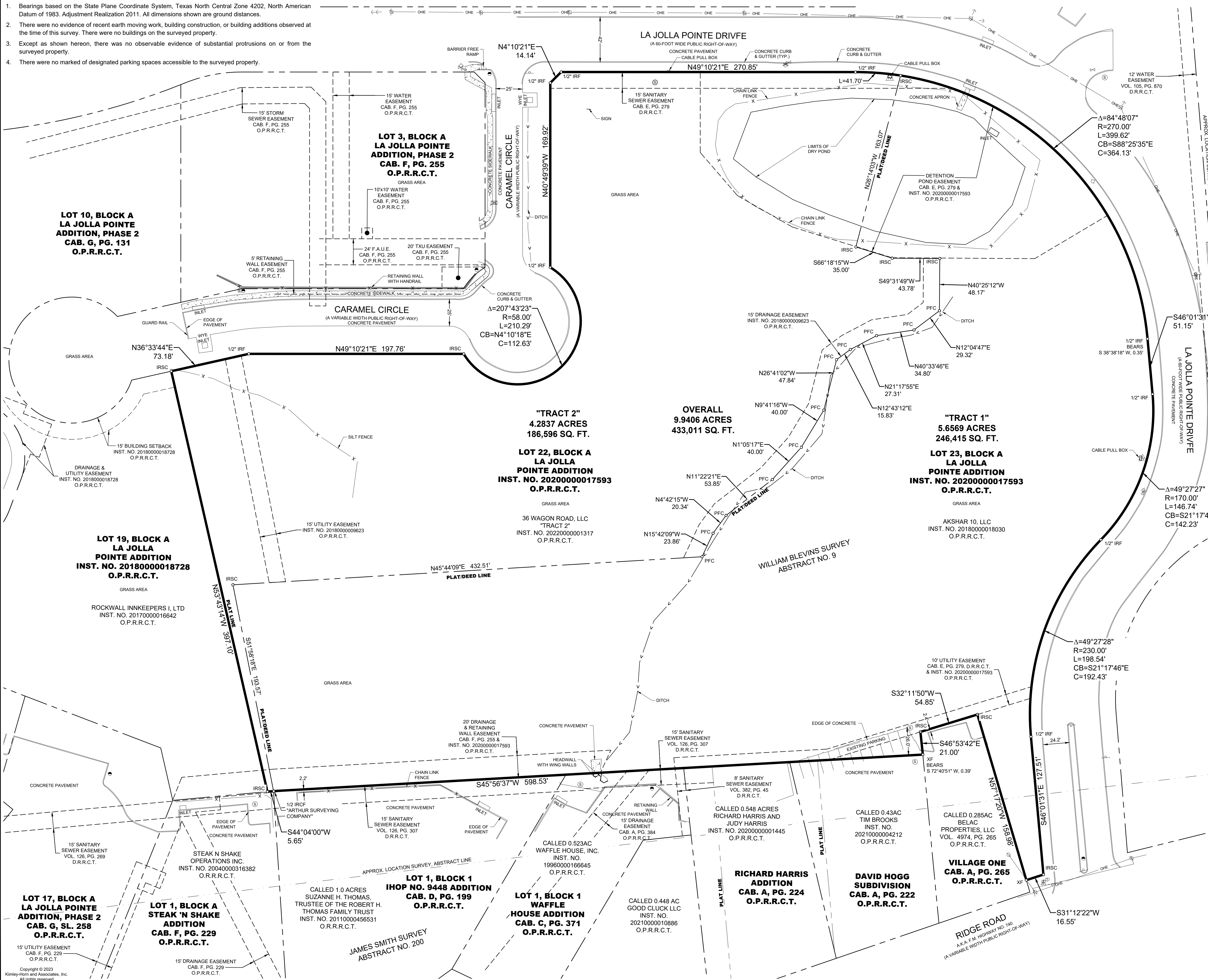


CONCEPT SITE SECTION



NOTES:

- Bearings based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011. All dimensions shown are ground distances.
- There were no evidence of recent earth moving work, building construction, or building additions observed at the time of this survey. There were no buildings on the surveyed property.
- Except as shown hereon, there was no observable evidence of substantial protrusions on or from the surveyed property.
- There were no marked of designated parking spaces accessible to the surveyed property.



LEGEND

☐	ROOF DRAIN	☐	MAIL BOX
☐	CABLE TV BOX	☐	NEWS STAND
☐	CABLE TV HANDHOLE	☐	PHONE BOOTH
☐	CABLE TV MARKER FLAG	☐	SECURITY CAMERA
☐	CABLE TV MARKER SIGN	☐	TRASH BIN
☐	CABLE TV VAULT	☐	SANITARY SEWER BOX
☐	COMMUNICATIONS BOX	☐	SANITARY SEWER CLEAN OUT
☐	COMMUNICATIONS HANDHOLE	☐	SANITARY SEWER HANDHOLE
☐	COMMUNICATIONS MARKER FLAG	☐	SANITARY SEWER LET STATION
☐	COMMUNICATIONS MARKER SIGN	☐	SANITARY SEWER METER
☐	COMMUNICATIONS VAULT	☐	SANITARY SEWER MANHOLE
☐	ELEVATION BENCHMARK	☐	SANITARY SEWER MARKER FLAG
☐	FLOW DIRECTION	☐	SANITARY SEWER MARKER SIGN
☐	FIBER OPTIC BOX	☐	SANITARY SEWER MARKER SIGN
☐	FIBER OPTIC HANDHOLE	☐	STORM SEWER BOX
☐	FIBER OPTIC MANHOLE	☐	STORM SEWER CLEAN OUT
☐	FIBER OPTIC MARKER FLAG	☐	STORM SEWER HANDHOLE
☐	FIBER OPTIC MARKER SIGN	☐	STORM SEWER MANHOLE
☐	FIBER OPTIC VAULT	☐	STORM SEWER MARKER FLAG
☐	FUEL TANK	☐	STORM SEWER MARKER SIGN
☐	GAS BOX	☐	STORM SEWER METER
☐	GAS HANDHOLE	☐	STORM SEWER MANHOLE
☐	GAS METER	☐	STORM SEWER MARKER FLAG
☐	GAS MANHOLE	☐	STORM SEWER MARKER SIGN
☐	GAS MARKER FLAG	☐	STORM SEWER VAULT
☐	GAS MARKER SIGN	☐	TRAFFIC SIGNAL
☐	GAS TANK	☐	TRAFFIC SIGNAL
☐	GAS VAULT	☐	TRAFFIC SIGNAL
☐	GAS VALVE	☐	TRAFFIC SIGNAL
☐	GAS WELL	☐	TRAFFIC SIGNAL
☐	TELEPHONE BOX	☐	TRAFFIC SIGNAL
☐	TELEPHONE HANDHOLE	☐	TRAFFIC SIGNAL
☐	TELEPHONE MANHOLE	☐	TRAFFIC SIGNAL
☐	TELEPHONE MARKER FLAG	☐	TRAFFIC SIGNAL
☐	TELEPHONE MARKER SIGN	☐	TRAFFIC SIGNAL
☐	TELEPHONE VAULT	☐	TRAFFIC SIGNAL
☐	PIPELINE BOX	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE HANDHOLE	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE METER	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE MARKER FLAG	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE MARKER SIGN	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE VAULT	☐	UNIDENTIFIED MARKER SIGN
☐	PIPELINE VALVE	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC BOX	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC HANDHOLE	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC MANHOLE	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC MARKER FLAG	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC MARKER SIGN	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC VAULT	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC VALVE	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC WELL	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC SWITCH	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC TRANSFORMER	☐	UNIDENTIFIED MARKER SIGN
☐	ELECTRIC VAULT	☐	UNIDENTIFIED MARKER SIGN
☐	HANDICAPPED PARKING	☐	UNIDENTIFIED MARKER SIGN
☐	PARKING METER	☐	UNIDENTIFIED MARKER SIGN
☐	RAILROAD BOX	☐	UNIDENTIFIED MARKER SIGN
☐	RAILROAD HANDHOLE	☐	UNIDENTIFIED MARKER SIGN
☐	RAILROAD MARKER SIGN	☐	UNIDENTIFIED MARKER SIGN
☐	RAILROAD SIGN	☐	UNIDENTIFIED MARKER SIGN
☐	RAILROAD VAULT	☐	UNIDENTIFIED MARKER SIGN
☐	SIGN	☐	UNIDENTIFIED MARKER SIGN
☐	MARQUEE/SILLBOARD	☐	UNIDENTIFIED MARKER SIGN
☐	A/C UNIT	☐	UNIDENTIFIED MARKER SIGN
☐	BASKET BALL GOAL	☐	UNIDENTIFIED MARKER SIGN
☐	BONE LOCATION	☐	UNIDENTIFIED MARKER SIGN
☐	FLAG POLE	☐	UNIDENTIFIED MARKER SIGN
☐	GOAL POST	☐	UNIDENTIFIED MARKER SIGN
☐	GRAVE TRAP	☐	UNIDENTIFIED MARKER SIGN
☐	IRRIGATION VALVE	☐	UNIDENTIFIED MARKER SIGN

LINE TYPE LEGEND

—	BOUNDARY LINE
- - -	FENCE
—+—	CONCRETE PAVEMENT
—	FLOW LINE
- · - · -	PROPERTY/ADJACENT LINE

ABBREVIATIONS LEGEND

IRSC = 5/8-INCH IRON ROD WITH RED PLASTIC CAP STAMPED "KHA" SET
 VOL. = VOLUME, PAGE
 INST. NO. = INSTRUMENT NUMBER
 XF/5' = "X" CUT FOUND/SET
 IRF = IRON ROD FOUND
 O.P.R.R.C.T. = OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS
 D.R.R.C.T. = DEED RECORDS OF ROCKWALL COUNTY, TEXAS

GRAPHIC SCALE IN FEET
 1" = 40' @ 24X36

ALTA/NSPS LAND TITLE SURVEY
 TRACT 1 - 5.6569 ACRES
 TRACT 2 - 4.2837 ACRES
 WILLIAM BLEVINS SURVEY,
 ABSTRACT NO. 9
 JAMES SMITH SURVEY,
 ABSTRACT NO. 200
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	GDW	CDB	Sep. 2023	064584402	1 OF 2

FLOOD STATEMENT:

According to Federal Emergency Management Agency's Flood Insurance Rate Map No. 48397C0040L, for Rockwall County, Texas and incorporated areas, dated September 26, 2008, this property is located within Zone X (unshaded) defined as "Areas determined to be outside the 0.2% annual chance floodplain". If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

RECORD PROPERTY DESCRIPTION

"TRACT 1"

Being a tract of land situated in the William Blevins Survey, Abstract No. 9, City of Rockwall, Rockwall County, Texas, and being all of Lot 23, Block A of La Jolla Pointe Addition, an Addition to the City of Rockwall, Texas, according to the Map or Plat thereof recorded in Instrument No. 20200000017593 of the Official Public Records, Rockwall County, Texas, (O.P.R.R.C.T.)

"TRACT 2"

Being a tract of land situated in the William Blevins Survey, Abstract No. 9, City of Rockwall, Rockwall County, Texas, and being all of Lot 22, Block A of La Jolla Pointe Addition, an Addition to the City of Rockwall, Texas, according to the Map or Plat thereof recorded in Instrument No. 20200000017593 of the Official Public Records, Rockwall County, Texas, (O.P.R.R.C.T.)

NOTES ADDRESSING SCHEDULE B EXCEPTIONS:

AS TO "TRACT 1" DESCRIBED ABOVE:

(Pursuant to Commitment for Title Insurance, issued by Fidelity National Title Insurance Company, GF, No. LT-19124-1901242300245, effective date July 11, 2023, issued July 5, 2023.)

- 1. The surveyed property is all of Lots 22 and 23, Block A of La Jolla Pointe Addition, recorded in Instrument No. 2020-17593, Map Records, Rockwall County, Texas.
- 10f. The following easements and/or building lines and other matters shown on the plat recorded in Instrument No. 2020-17593, Map Records, Rockwall County, Texas:
 - a) Detention Pond Easement as shown hereon;
 - b) 20' Drainage and Retaining Wall Easement as shown hereon;
 - c) 10' Utility Easement as shown hereon.
- 10g. Water Easement to the City of Rockwall, recorded in Volume 105, Page 870, Real Property Records, Rockwall County, Texas, does not lie on the surveyed property.
- 10h. Water Easement to the City of Rockwall, recorded in Volume 124, Page 937, Real Property Records, Rockwall County, Texas, does not lie on the surveyed property.
- 10i. Utility Easement to the City of Rockwall, recorded in Volume 5162, Page 190, Real Property Records, Rockwall County, Texas, does not lie on the surveyed property.

AS TO "TRACT 2" DESCRIBED ABOVE:

(Pursuant to Commitment for Title Insurance, issued by First American Title Insurance Company, GF, No. 1002-386489-RTT, effective date August 29, 2023, issued September 12, 2023.)

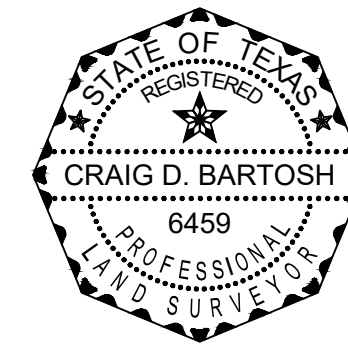
- 10e. The following easements and/or building lines, as shown on plat recorded in Instrument No. 20200000017593, Official Public Records, Rockwall County, Texas:
 - Detention pond easement as shown hereon.
- 10f. The surveyed property is a portion of the property described in Instrument No. 20180000009623, Official Public Records, Rockwall County, Texas. Utility Easement and Drainage Easement described in said Instrument as shown hereon.
- 10g. The 15-foot Sanitary Sewer Easement, recorded in Cabinet E, Page 279, Plat Records, Rockwall County, Texas, as shown hereon.

SURVEYORS CERTIFICATION:

To: ROUND ROCK LAND COMPANY LLC;
AKSHA 10, LLC;
36 WAGON ROAD, LLC;
FIDELITY NATIONAL TITLE INSURANCE COMPANY;
ROCKWALL ECONOMIC DEVELOPMENT CORPORATION;
FWT DEVELOPMENT LLC, A TEXAS LIMITED LIABILITY COMPANY;
FIRST AMERICAN TITLE INSURANCE COMPANY;
REPUBLIC TITLE OF TEXAS, INC.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 8, 9, 13, 16 and 19 of Table A thereof. The field work was completed on August 25, 2023.

 09/15/2023 Date
Craig D. Bartosh
Registered Professional Land Surveyor No. 6459
Kimley-Horn and Associates, Inc.
13455 Noel Road
Two Galleria Office Tower, Suite 700
Dallas, Texas 75240
Ph. (972) 770-1300
craig.bartosh@kimley-horn.com



ALTA/NSPS LAND TITLE SURVEY
TRACT 1 - 5.6569 ACRES
TRACT 2 - 4.2837 ACRES
WILLIAM BLEVINS SURVEY,
ABSTRACT NO. 9
JAMES SMITH SURVEY,
ABSTRACT NO. 200
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	GDW	CDB	Sep. 2023	064584402	2 OF 2

CITY OF ROCKWALL

ORDINANCE NO. 24-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *BUILDINGS THAT EXCEED 36-FEET IN HEIGHT* ON A 9.9406-ACRE TRACT OF LAND IDENTIFIED AS LOTS 22 & 23, BLOCK A, LA JOLLA POINTE ADDITION, PHASE 2, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a Specific Use Permit (SUP) for *Buildings that Exceed 36-Feet in Height* on a 9.9406-acre tract of land identified as Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and the Scenic Overlay (SOV) District, generally located west of the intersection of La Jolla Pointe Drive and Ridge Road [FM-740], and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. The Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Buildings that Exceed 36-Feet in Height* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*, and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.05, *Commercial (C) District*; Subsection 06.02, *General Overlay District Standards*; Subsection 06.06, *IH-30 Overlay (IH-30 OV) District*; and Subsection 06.08, *Scenic Overlay (SOV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --

and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of *Buildings that Exceed 36-Feet in Height* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) Buildings on the *Subject Property* shall not exceed 120-feet or as depicted on the building elevations/cross sections contained in the Conceptual Building Heights in *Exhibit 'C'* of this ordinance.
- 3) The Specific Use Permit (SUP) shall be valid for a period of ten (10) years from the approval date of this ordinance (*i.e. valid until January 2, 2034*). If an extension of the Specific Use Permit (SUP) is necessary, the property owner shall submit a request in writing to the Director of Planning and Zoning no less than 90-days prior to the expiration date of this ordinance (*i.e. October 4, 2033*). Upon receipt of a request for an extension, the Director of Planning and Zoning shall bring the request forward to the Planning and Zoning Commission and City Council for review. The Planning and Zoning Commission and City Council shall be charged with determining if an extension of the Specific Use Permit (SUP) is warranted. This shall be conducted in accordance with the process and procedures outlined in Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and with which this ordinance was originally adopted.

2.2 COMPLIANCE

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

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

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

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

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 2ND DAY OF JANUARY, 2024.**

Trace Johannesen, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 18, 2023

2nd Reading: January 2, 2024

Exhibit 'A' Survey

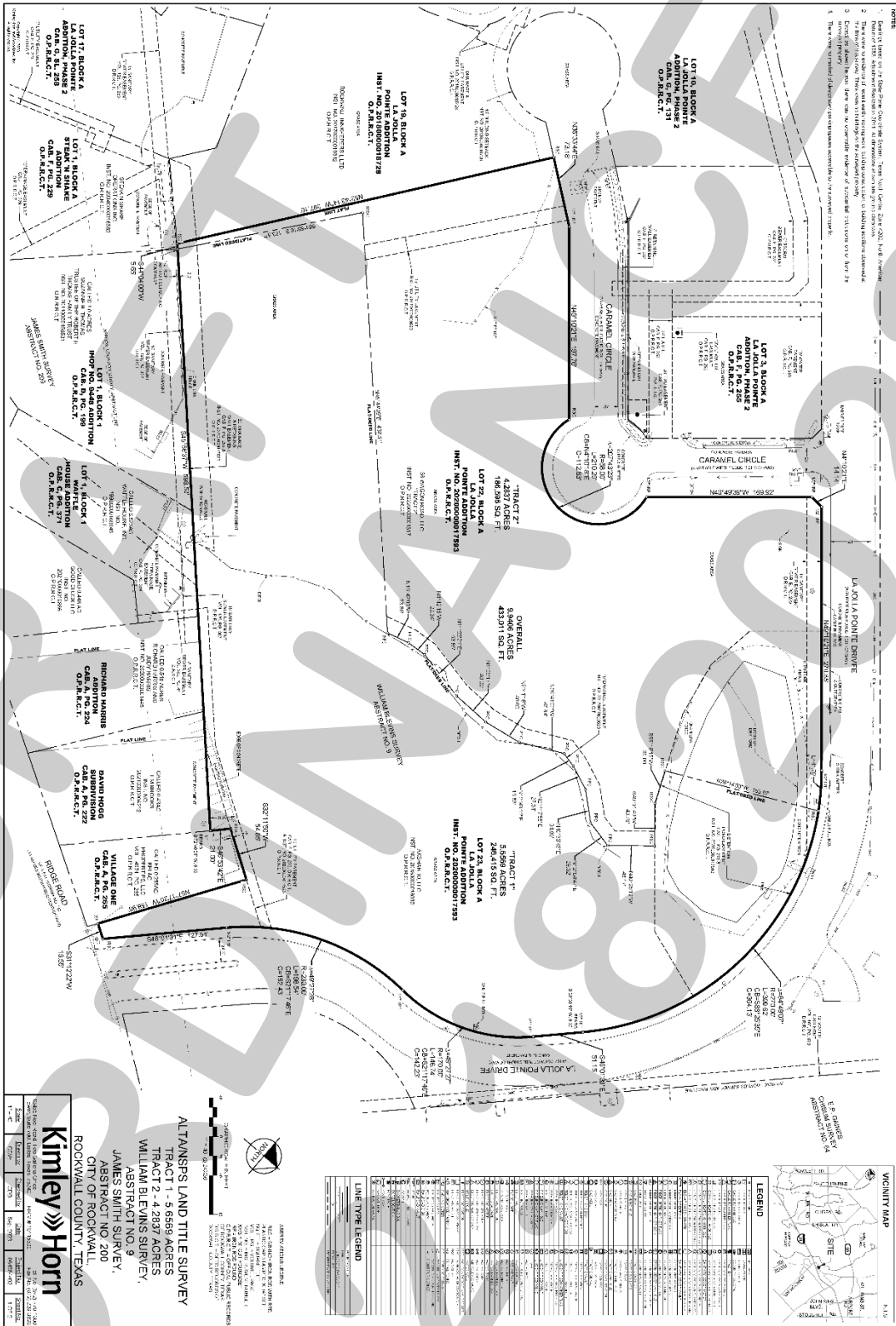


Exhibit 'B'
Concept Plan

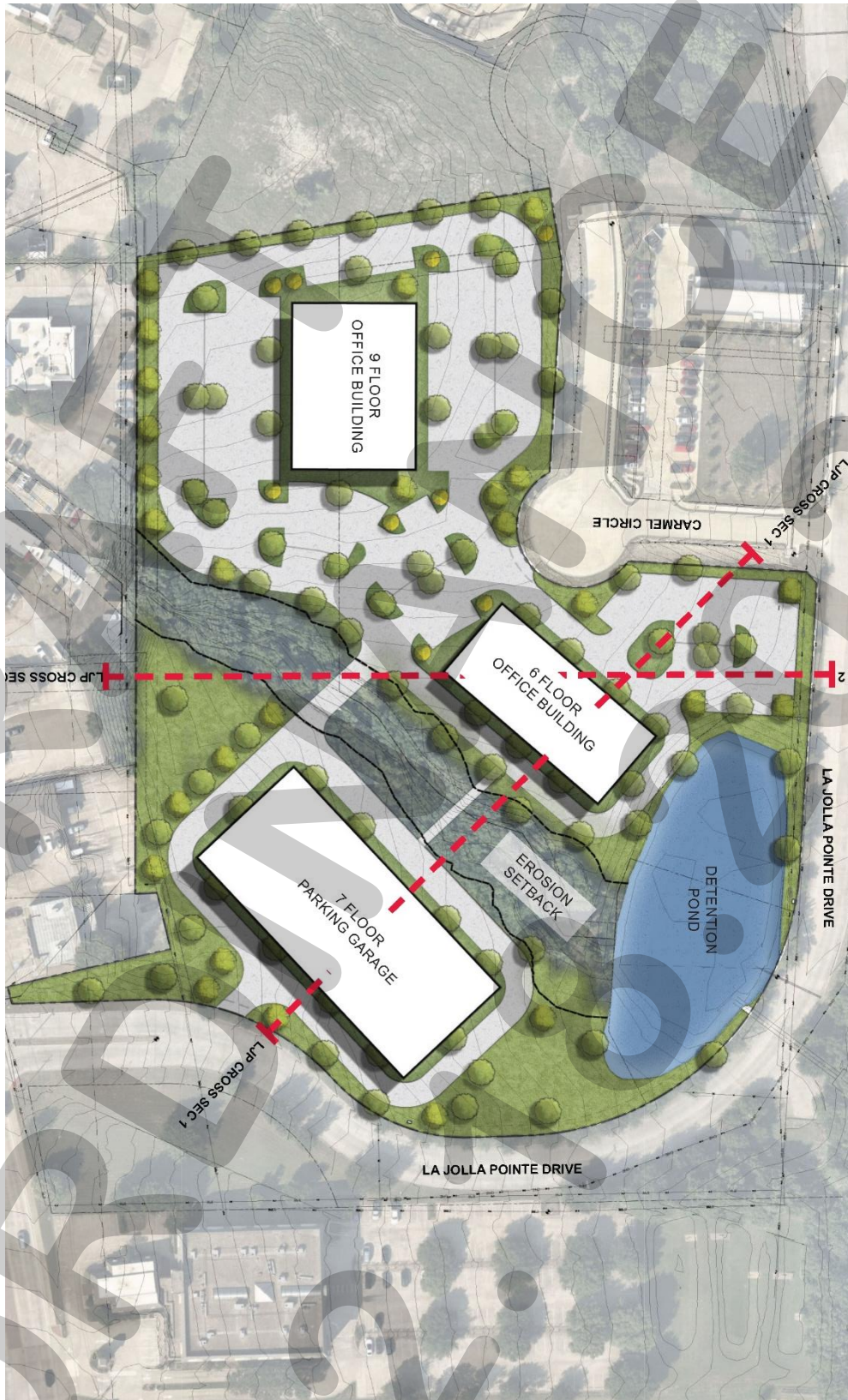
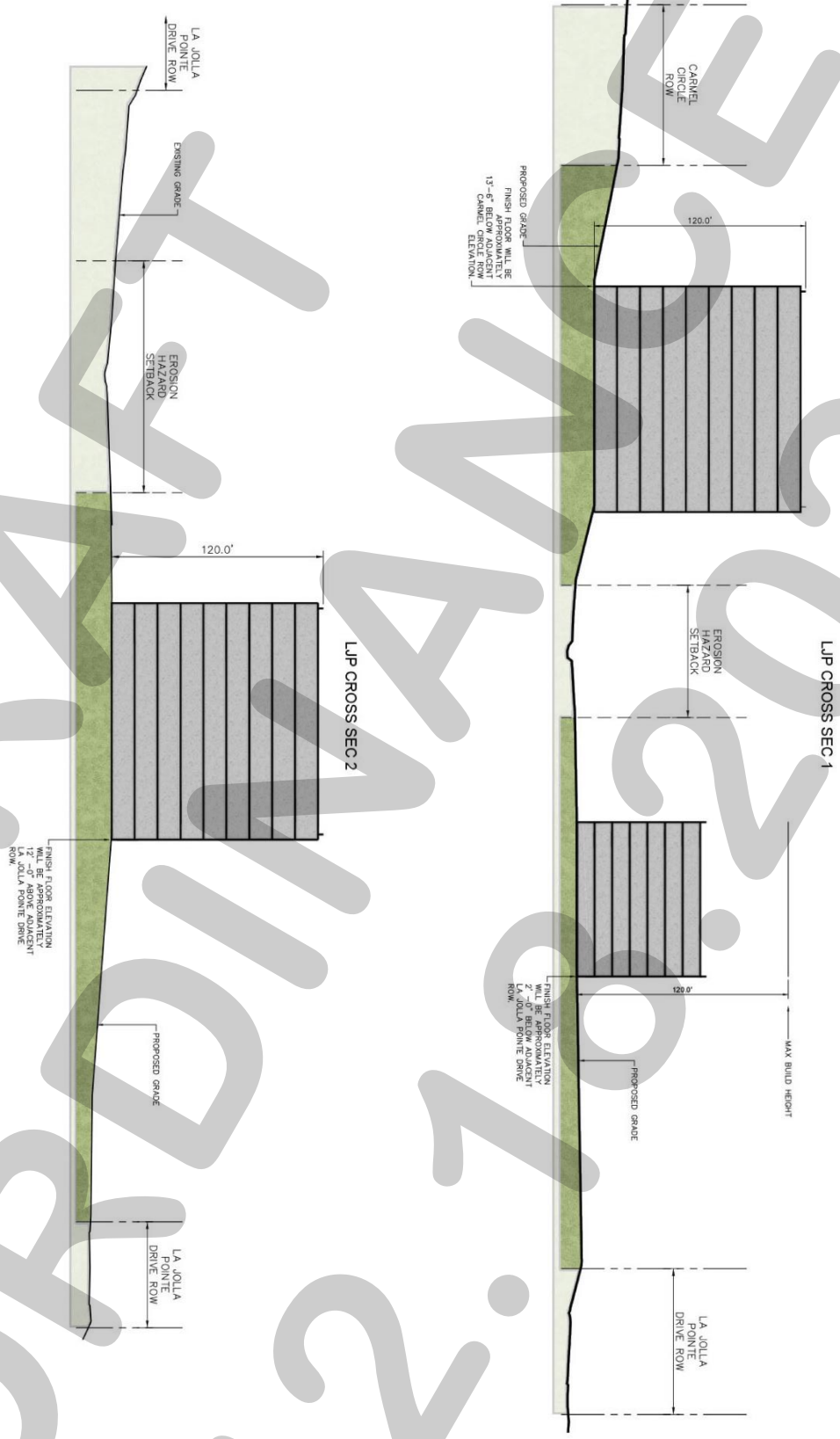


Exhibit 'C'
Conceptual Building Heights





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: December 18, 2023

APPLICANT: Matt Wavering; *Rockwall Economic Development Corporation (REDC)*

CASE NUMBER: Z2023-053; *Amendment to Planned Development District 4 (PD-4)*

SUMMARY

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [*Ordinance No. 72-03 & 01-26*] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [*FM-740*], and take any action necessary.

BACKGROUND

The City Council approved *Ordinance No. 60-02 [Case No. A1960-002]*, annexing the subject property into the City of Rockwall on September 5, 1960. On January 27, 1972, the City Council approved Planned Development District 4 (PD-4) [*Ordinance No. 72-03*] allowing Neighborhood Services (NS) District and General Retail (GR) District land uses. In addition, the Planned Development District allowed *Shopping Center* land uses on the subject property. On June 18, 2001, the City Council approved a City initiated amendment to Planned Development District 4 (PD-4) [*Case No. PZ2001-053-01*] removing Neighborhood Services (NS) District land uses from the base zoning. This changed the Planned Development District to only allow General Retail (GR) District land uses. The subject property has remained vacant since the time of annexation.

PURPOSE

On November 13, 2023, the applicant -- *Matt Wavering of the Rockwall Economic Development Corporation (REDC)* -- submitted an application requesting a Zoning Change to amend Planned Development District 4 (PD-4) to facilitate the development of multi-story *Office Buildings* on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is generally located between Lakedale Drive and Becky Lane on the eastside of Ridge Road [*FM-740*]. The land uses adjacent to the subject property are as follows:

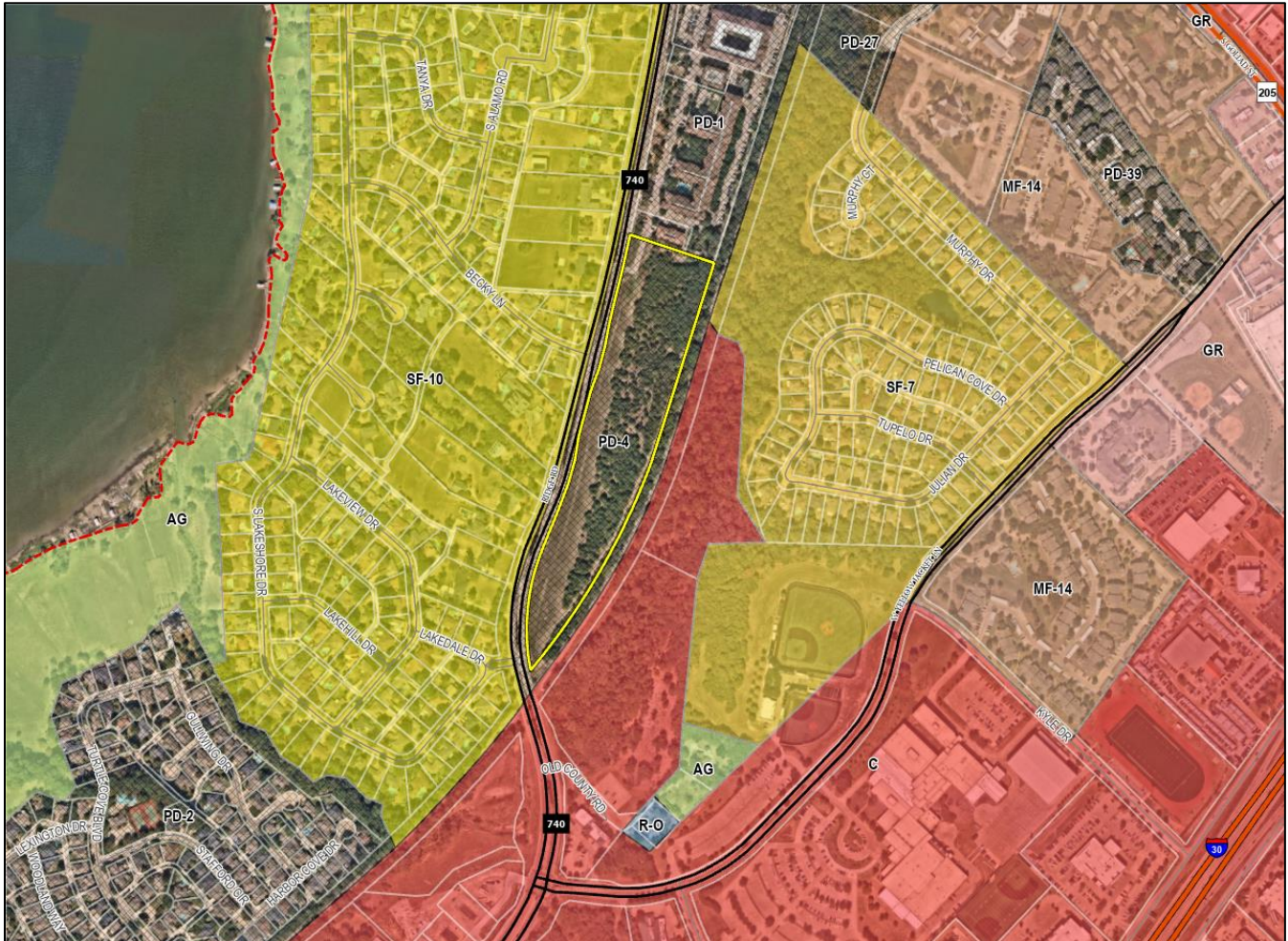
North: Directly north of the subject property is a mixed-use development consisting of 202 urban residential units and several office/retail land uses. This property is better known as Rockwall Commons, and is zoned Planned Development District 1 (PD-1) for General Retail (GR) District and Multi-Family 14 (MF-14) District land uses. North of this mixed-use development, is another mixed-use development consisting of 140 urban residential units and several office/retail land uses. This property is known as the Lakeview Apartments, and is zoned Planned Development District 1 (PD-1) for General Retail (GR) District land uses.

South: Directly south of the subject property is Ridge Road, which is identified as a *M4D (i.e. minor collector, four [4] lane, divided roadway)* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of this thoroughfare is an 8.583-acre tract of vacant land (*i.e. Lot 1, Block A, Sky Ridge Addition*) zoned Commercial (C) District.

East: Directly east of the subject property is a 100-foot right-of-way owned by the *Union Pacific/Dallas Garland NE Railroad*. Beyond this are two (2) vacant tracts of land (*i.e. Tract 9 [9.24-acres] & Tract 9-1 [7-acres]*), of the *D. Atkins Survey, Abstract No. 1*, which are situated within the 100-year floodplain and zoned Commercial (C) District. East of the two (2) vacant tracts is the *Waterstone Estates Subdivision*, which was platted on November 30, 1994 and consists of 123 single-family residential lots. This subdivision is zoned Single-Family 7 (SF-7) District.

West: Directly west of the subject property is *Ridge Road [FM-740]*, which is identified as a *M4D (i.e. major collector, four [4] lane, divided roadway)* on the City's Master Thoroughfare Plan contained in the *OURHometown Vision 2040 Comprehensive Plan*. Continuing west are several single-family residential subdivisions (*i.e. Lake Ray Hubbard Estates [65 lots], The Estates of Coast Royal 1 [four {4} lots], The Estates of Coast Royal 2 [13 lots], and Lakeridge Park [87 lots]*), which are zoned for Single-Family 10 (SF-10) District land uses.

MAP 1: LOCATION MAP
YELLOW: SUBJECT PROPERTY



CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan and a conceptual building height exhibit indicating that the proposed development scheme will be multi-story *Office Buildings*. Based on the concept plan and conceptual building height exhibit, the intent of the requested zoning change is to develop the subject property with *Office Buildings* that exceeds the 25,000 SF maximum building size required by the General Retail (GR) District standards, and exceed the height requirement of 36-feet stipulated by the General Retail (GR) District and the Scenic Overlay (SOV) District standards. According to the applicant's letter, the increased building size and height is being requested in order to attract "high-quality employment opportunities" that are of "superior quality than the standard one or two-story garden-style office buildings." More specifically, the applicant is requesting a maximum permissible height of 90-feet. Based on the applicant's letter this height will be in consistent with the adjacent developments along the east side of Ridge Road [FM-740] (*i.e. the Commons and Lakeview Apartments*).

CONFORMANCE WITH THE CITY'S CODES

According to Article 13, *Definitions*, of the Unified Development Code (UDC), an *Office Building* is defined as “(a) facility that provides executive, management, administrative, or professional services... not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.” In this case, the proposed concept plan indicates the development of *Office Buildings* on the subject property, which is in conformance with this definition. In addition, according to Subsection 06.02, *General Overlay District Standards*, and Subsection 04.04, *General Retail (GR) District*, Article 05, *District Development Standards*, of the Unified Development Code (UDC), buildings are limited to 25,000 SF and cannot exceed over 36-feet in height. Given that the subject property is within a Planned Development District, these requirements prompted the applicant to submit for the proposed zoning change and amend Planned Development District 4 (PD-4).

OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is designated for *Commercial/Retail* land uses and is situated within the *Scenic District*. According to the *Land Use Plan*, the *Commercial/Retail* land use is “...characterized by single to multi-tenant commercial retail centers along major arterials at key intersections.” The *Land Use Plan* goes on to state that *Office* is a *Secondary Land Use* within the *Commercial/Retail* land use. That being said, the *Scenic District* description specifically states that “...vacant areas -- designated for *Commercial land uses* -- adjacent to Ridge Road [FM-740] ...” should eventually developed with office or neighborhood/convenience centers. In this case, the applicant's development scheme for *Office Buildings* [1] satisfies the *Secondary Land Use* description for *Commercial/Retail* land uses, and [2] meets the intent for vacant land development within the *Scenic District* adjacent to Ridge Road [FM-740]. Based on this, the proposed future development appears to conform to the *Future Land Use Plan* contained within the OURHometown Vision 2040 Comprehensive Plan.

According to the *Vision Statement* within Chapter 06, *Economic Development*, of the OURHometown Vision 2040 Comprehensive Plan, “(t)he City of Rockwall should continue to build a diversified local economy by attracting and retaining businesses that can utilize the City's existing highly skilled workforce and aid in the creation of a stable and resilient tax base.” In this case, the applicant's letter states that they intend to attract *Class-A* corporate office developments occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall.” Given this, the applicant's request appears to conform to goals and policies laid out for *Economic Development* within the OURHometown Vision 2040 Comprehensive Plan.

STAFF ANALYSIS

In this case, the proposed concept plan and conceptual building height exhibit appear to conform with all of the density and dimensional requirements for a property in a General Retail (GR) District, with the exception of maximum building size and maximum building height requirements. The applicant's proposal also appears to conform with intent of the OURHometown Vision 2040 Comprehensive Plan. Staff has included a *Purpose Statement* within the Planned Development District ordinance that states, the purpose of the “... Planned Development District is to provide Class ‘A’ corporate offices that will be occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall.” If the applicant deviates from this stated intent, the Planned Development District ordinance provides flexibility through a PD Development Plan. In the same spirit of the *Purpose Statement*, staff has provided a list of prohibited land uses that did not appear to align with the applicant's letter or the adjacent/existing residential land uses.

In addition to the *Purpose Statement*, staff has included changes to the *Permitted Uses* and *Lot Dimensional Requirements* sections of the ordinance in order to facilitate the applicant's request in a manner that is consistent with development in the area. As discussed in the *Characteristics of the Request* and the *Conformance with the City Codes* sections of this case memo, the General Retail (GR) District does not allow buildings over 25,000 SF. Given this, the *Permitted Uses* section of the ordinance lists *Office Buildings Greater than 25,000 SF* as a permitted by-right land use. Staff also updated the *Lot Dimensional Requirements* for the ordinance to allow a maximum lot coverage of 60% (as opposed to the 40% called out in the UDC), and a floor area ratio of 4:1 (opposed to the 2:1 called out in the UDC). In addition, the following notes were included, [1] a maximum of one (1) row of parking may be located between the front façade and the property line, and [2] the front yard setback (i.e. 25-

feet) shall create a uniform building frontage along Ridge Road [FM-740]. Staff included these notes to reaffirm the requirements of the *General Overlay District Standards* contained in the Unified Development Code (UDC), and maintain a consistent frontage along the east side of Ridge Road [FM-740]. With this being said, a request for a Zoning Change is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On November 15, 2023, staff mailed 80 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Waterstone and Turtle Cove Homeowner's Association (HOA), which are the only Homeowners' Associations (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received four (4) notices in opposition and one (1) notice in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Zoning Change to amend Planned Development District 4 (PD-4), then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the PD Development Standards outlined within the Planned Development District 4 (PD-4) Ordinance.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On December 12, 2023, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Womble absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
 - SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
 - PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹
- OTHER APPLICATION FEES:**
- TREE REMOVAL (\$75.00)
 - VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1661 Ridge Road, Rockwall, TX 75087

SUBDIVISION _____

LOT _____

BLOCK _____

GENERAL LOCATION Northeast Corner of Ridge Rd & Dallas Garland N.E. Railroad

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING PD-4

CURRENT USE vacant

PROPOSED ZONING PD-4 (amended)

PROPOSED USE office

ACREAGE 12.1462

LOTS [CURRENT] _____

LOTS [PROPOSED] _____

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

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

OWNER HFS Management, Inc

APPLICANT Rockwall Economic Development Corporation

CONTACT PERSON Richard Chandler

CONTACT PERSON Matt Wavering

ADDRESS 122 W. John Carpenter Fwy, Ste 400

ADDRESS 2610 Observation Trl, Suite 104

CITY, STATE & ZIP Irving, TX 75039

CITY, STATE & ZIP Rockwall, TX 75032

PHONE _____

PHONE 972-772-0025

E-MAIL rchandler@sei-mi.com

E-MAIL mwavering@rockwalledc.com

NOTARY VERIFICATION [REQUIRED]

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

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$382.19 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 13th DAY OF November, 2023. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

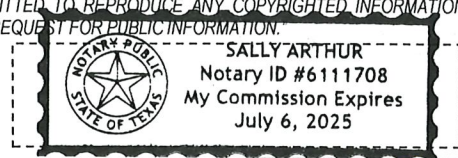
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 16 DAY OF November, 2023.

OWNER'S SIGNATURE

Richard P. Chandler

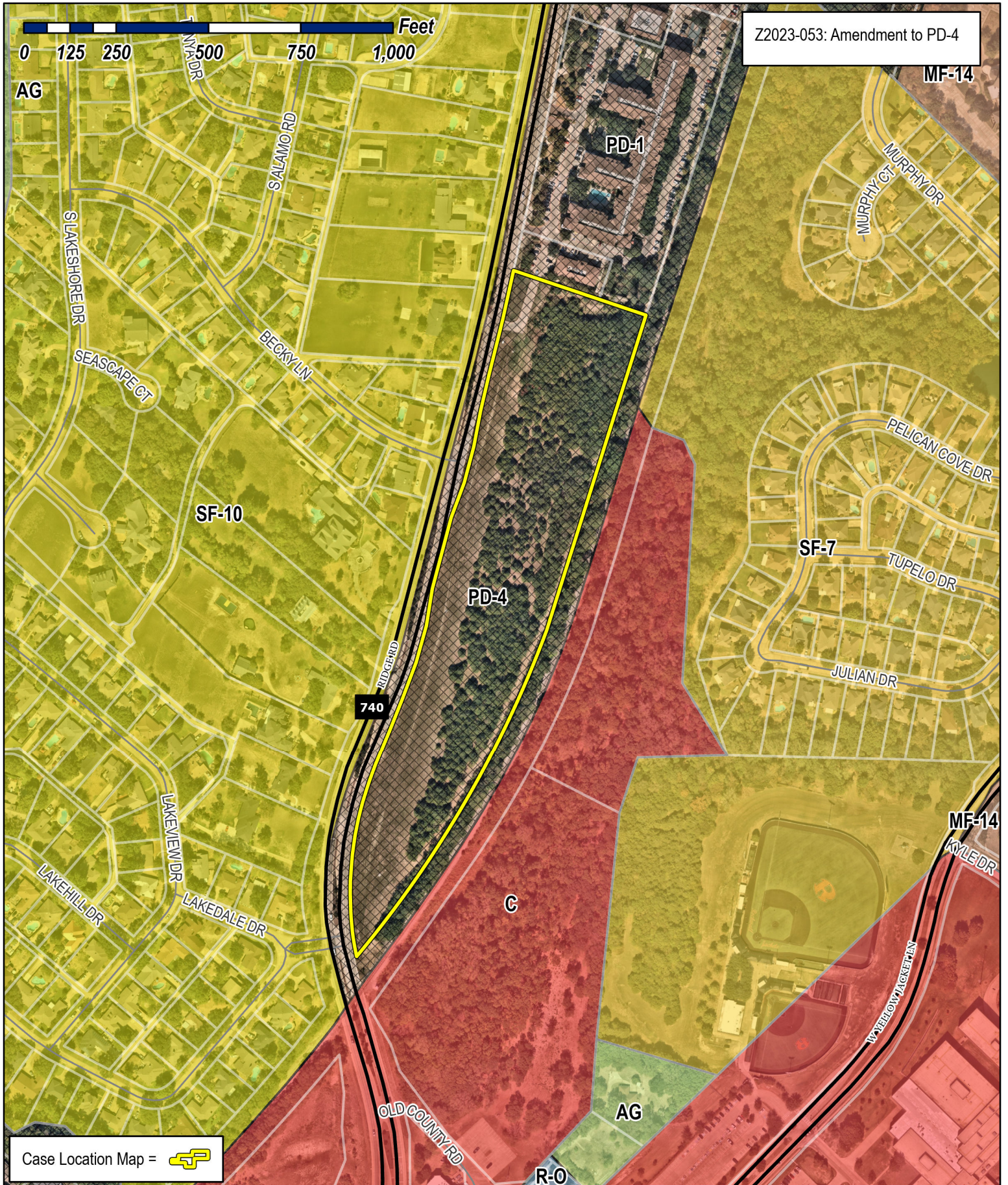
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Sally Arthur



MY COMMISSION EXPIRES

7-6-25



Z2023-053: Amendment to PD-4

Case Location Map = 



City of Rockwall

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

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

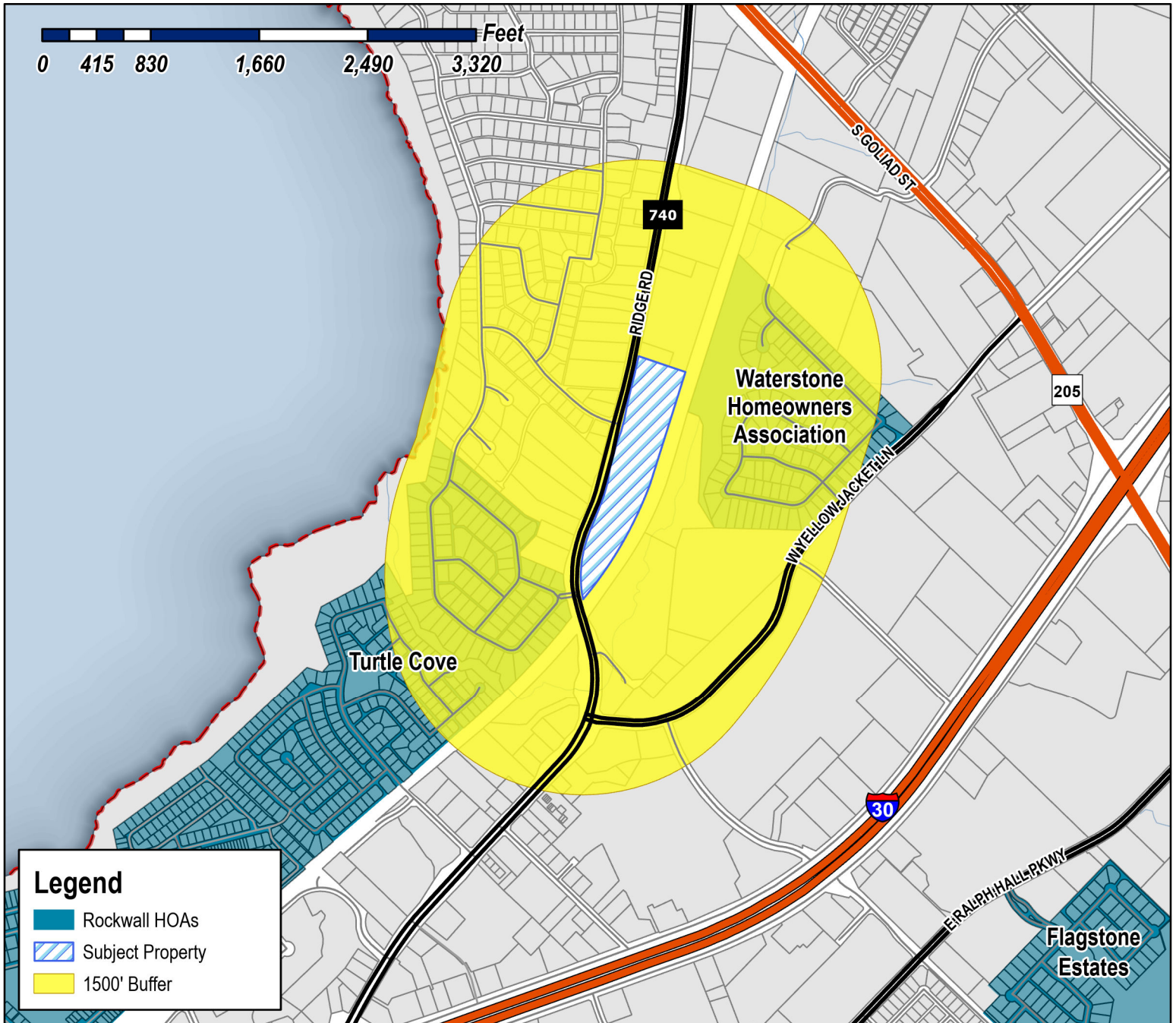




City of Rockwall

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

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



Legend

- Rockwall HOAs
- Subject Property
- 1500' Buffer

Case Number: Z2023-053
Case Name: Amendment to PD-4
Case Type: Zoning
Zoning: PD-4
Case Address: Ridge Rd.

Date Saved: 11/10/2023
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Zavala, Melanie
Sent: Thursday, November 16, 2023 3:24 PM
Cc: Miller, Ryan; Ross, Bethany; Guevara, Angelica; Lee, Henry
Subject: Neighborhood Notification Program [Z2023-053]
Attachments: Public Notice (P&Z) (11.15.2023).pdf; HOA Map (11.10.2023).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *November 17, 2023*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, December 12, 2023 at 6:00 PM*, and the City Council will hold a public hearing on *Monday, December 18, 2023 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

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

Z2023-053: Amendment to PD-4

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of a *Zoning Change* amending Planned Development District 4 (PD-4) [*Ordinance No. 72-03 & 01-26*] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [*FM-740*], and take any action necessary.

Thank You,

Melanie Zavala

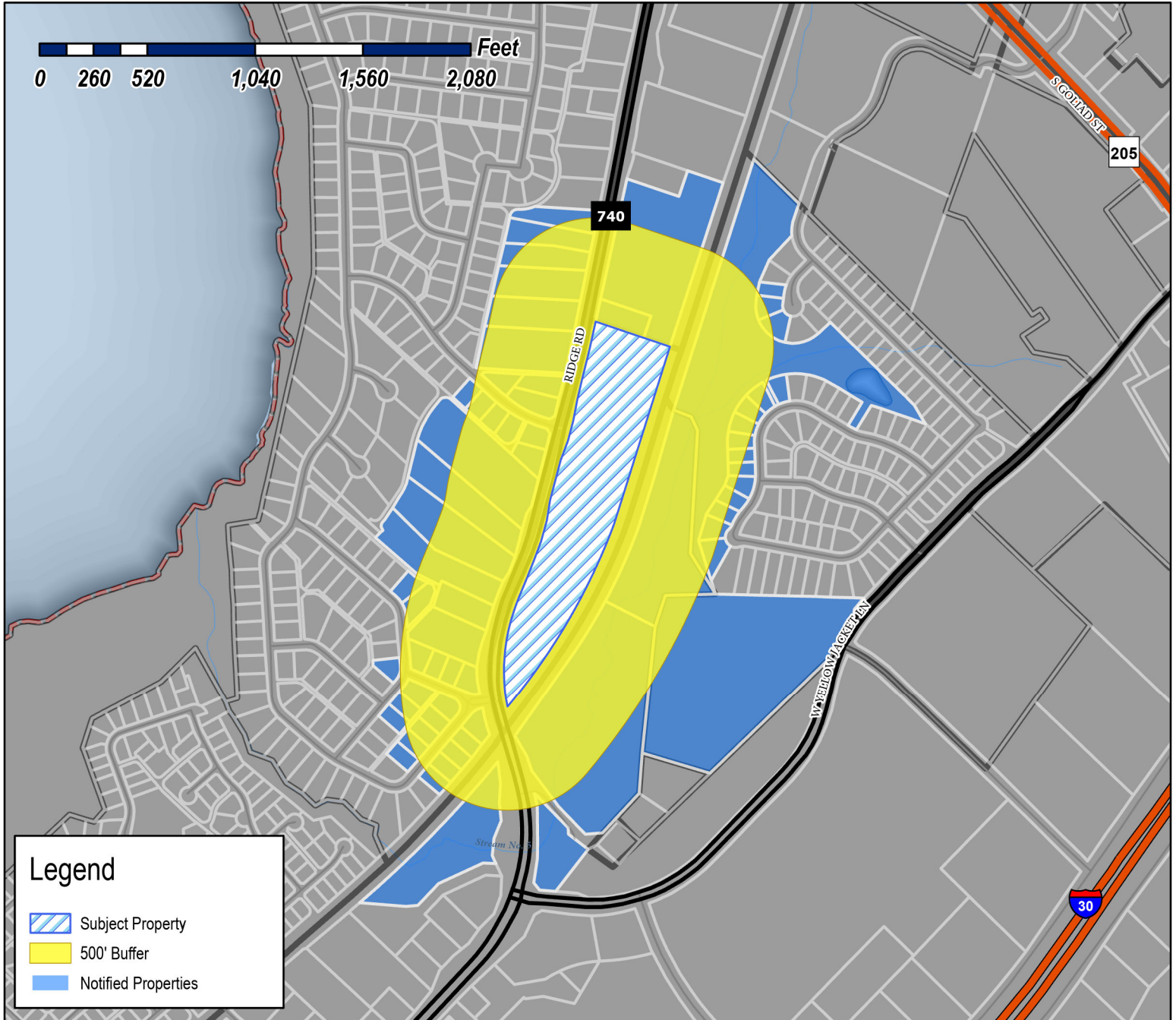
Planning & Zoning Coordinator | Planning Dept. | City of Rockwall
385 S. Goliad Street | Rockwall, TX 75087
<http://www.rockwall.com/>
972-771-7745 Ext. 6568



City of Rockwall

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

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



Case Number: Z2023-053
Case Name: Amendment to PD-4
Case Type: Zoning
Zoning: PD-4
Case Address: Ridge Rd.



Date Saved: 11/10/2023

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

NEUFELL JAMES V AND FRANCINE M
101 BECKY LN
ROCKWALL, TX 75087

RESIDENT
102 LAKEDALE DR
ROCKWALL, TX 75087

MARSHALL RICHARD A AND
KENNETH F WILSON
103 BECKY LN
ROCKWALL, TX 75087

STAVINOHA JIM L & MITZIE J
103 JULIAN DR
ROCKWALL, TX 75087

HAMILTON JAMES MARK AND
STEVEN TORRES
104 BECKY LN
ROCKWALL, TX 75087

WEST KENDRA LYNN AND
JOHN HENRY LEWIS
104 LAKEDALE DRIVE
ROCKWALL, TX 75087

COX MARCUS D
105 BECKY LANE
ROCKWALL, TX 75087

AZULAY TJ AND MELINDA
105 EMERALD COVE
HEATH, TX 75032

7.1 RIDGE LLC
106 E RUSK SUITE 200
ROCKWALL, TX 75087

MARTINEZ GRACE & JESSE LEE III
106 LAKEDALE DR
ROCKWALL, TX 75087

VILLASENOR GRACIELA R
106 PELICAN COVE DR
ROCKWALL, TX 75087

RESIDENT
107 BECKY LN
ROCKWALL, TX 75087

PECK RUTH H
108 LAKEDALE DR
ROCKWALL, TX 75087

ECKERT TRUST
DAVID W & BONNIE L ECKERT
112 PELICAN COVE DRIVE
ROCKWALL, TX 75087

HAMPTON MATTHEW & CORINA
118 PELICAN COVE DR
ROCKWALL, TX 75087

HPA TEXAS SUB 2017-1 LLC
120 S RIVERSIDE PLZ STE 2000
CHICAGO, IL 60606

HFS MANAGEMENT INC
C/O HANNA SAHLIYEH
122 W JOHN CARPENTER FWY STE 400
IRVING, TX 75039

SHUGART WILLIAM E & MERIDITH JUNE
124 PELICAN COVE DR
ROCKWALL, TX 75087

HALL STEPHANIE MCGARRY
130 PELICAN COVE DR
ROCKWALL, TX 75087

RESIDENT
1309 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
134 PELICAN COVE DR
ROCKWALL, TX 75087

ANDERSON JERRY C AND MELVA J
138 PELICAN COVE DR
ROCKWALL, TX 75087

HIDALGO RAFAEL
1400 RIDGE RD
ROCKWALL, TX 75087

MASON RONALD E & GLORIA M
1402 RIDGE RD
ROCKWALL, TX 75087

ROGERS FAMILY LIVING TRUST
MICHAEL WAYNE ROGERS AND RELLA
VILLASANA ROGERS, TRUSTEES
1404 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
1405 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
1406 RIDGE RD
ROCKWALL, TX 75087

NORMAN LINDA
1406-B RIDGE RD
ROCKWALL, TX 75087

PADILLA OSCAR GAMALIEL AND MELISSA
AZUSENA
1408 RIDGE ROAD
ROCKWALL, TX 75087

RESIDENT
1410 RIDGE RD
ROCKWALL, TX 75087

NAJMABADI NATHAN R & JENNIFER N
1412 RIDGE ROAD
ROCKWALL, TX 75087

KROPKE JAMES & MARY
142 PELICAN COVE DR
ROCKWALL, TX 75087

CRANE ADAM T
146 PELICAN COVE DR
ROCKWALL, TX 75087

TEBBUTT BRIAN C
150 PELICAN COVE DR
ROCKWALL, TX 75087

TEBBUTT BRIAN & MYLA
150 PELICAN COVE DRIVE
ROCKWALL, TX 75087

WELLS RACHEL MARY
1502 RIDGE ROAD
ROCKWALL, TX 75087

BARRON JOSE ENRIQUE AND ELIZABETH
1504 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
156 PELICAN COVE DR
ROCKWALL, TX 75087

MCANALLY JOHN L & CINDY N
1600 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
1602 RIDGE RD
ROCKWALL, TX 75087

T ROCKWALL APARTMENTS TX LLC
16600 DALLAS PARKWAY SUITE 300
DALLAS, TX 75248

HARRIS FAMILY LAKE HOUSE, LLC
1663 MISSOURI ST
SAN DIEGO, CA 92109

UHLIG JANET KAY
168 MURPHY CT
ROCKWALL, TX 75087

RESIDENT
1722 RIDGE RD
ROCKWALL, TX 75087

GREEN STEVEN T
1724 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
1726 RIDGE RD
ROCKWALL, TX 75087

HATCHER JASON &
NATASHA HATCHER
1728 RIDGE RD
ROCKWALL, TX 75087

RESIDENT
174 MURPHY CT
ROCKWALL, TX 75087

KELLY TANNER B
178 MURPHY CT
ROCKWALL, TX 75087

PETTIGREW TERESA VIOLA
1901 LAKEVIEW DR
ROCKWALL, TX 75087

BALL DEREK AND AMANDA
1903 LAKEVIEW DR
ROCKWALL, TX 75087

VAUGHAN DANIEL J AND JESSICA
1905 LAKEVIEW DR
ROCKWALL, TX 75087

PADILLA KRIS AND JOE
2005 LAKESHORE DRIVE
ROCKWALL, TX 75087

RUSSELL CURTIS J & JENNIFER J
2006 S LAKESHORE DR
ROCKWALL, TX 75087

FRITSCH TERYL W AND JANICE L
2007 S LAKESHORE
ROCKWALL, TX 75087

CHARLES JACOB
2008 S LAKESHORE DR
ROCKWALL, TX 75087

HIGGINS BYRON STEPHEN AND
KIMBERLY LEE PETRIELLO
2009 S LAKESHORE DRIVE
ROCKWALL, TX 75087

MARSHALL BRUCE AND LORRAINE
2010 S LAKESHORE DRIVE
ROCKWALL, TX 75087

RESIDENT
2011 LAKESHORE DR
ROCKWALL, TX 75087

SALAZAR AARON AND OLGA
2012 LAKESHORE DR
ROCKWALL, TX 75087

RESTORATION PROPERTIES GROUP LLC
2013 S LAKESHORE DRIVE
ROCKWALL, TX 75087

RESIDENT
2014 LAKESHORE DR
ROCKWALL, TX 75087

RIIS RICKI LEE
203 LAKEVIEW DR
ROCKWALL, TX 75087

SIMS CHRISTOPHER P AND KRISTEN
206 LAKEVIEW DR
ROCKWALL, TX 75087

HAYNES PETER & JANNA
208 LAKEVIEW DRIVE
ROCKWALL, TX 75087

RESIDENT
2135 RIDGE RD
ROCKWALL, TX 75087

MFR PROPERTIES LLC AND
YELLOW JACKET PLAZA LLC
28632 ROADSIDE DR SUITE 270
AGOURA HILLS, CA 91301

JAMES & MARY SYVRUD REVOCABLE TRUST
JAMES P SYVRUD AND MARY J SYVRUD
301 MCKINNEY ST
FARMERSVILLE, TX 75442

RPSC ROCKWALL PROPERTIES LLC
3201 E PRESIDENT GEORGE BUSH HIGHWAY
SUITE 101
RICHARDSON, TX 75082

SOLENA GROUP, LLC
321 PRAIRIE VIEW RD
ROCKWALL, TX 75087

WILLCOXEN R GENE & MARY F
4820 SUTCLIFF AVE
SAN JOSE, CA 95118

SHERI POWERS REVOCABLE TRUST
SHERI POWERS- TRUSTEE
4872 CORONADO AVE
SAN DIEGO, CA 92107

THAMES HOLDING LLC
514 WILDEWOOD DR
CHANDLER, TX 75758

HENDRICKS JAMES & BARBARA
5903 VOLUNTEER PL
ROCKWALL, TX 75032

ROCKWALL I S D
801 E WASHINGTON ST
ROCKWALL, TX 75087

RESIDENT
900 W YELLOWJACKET LN
ROCKWALL, TX 75087

HUDSON SFR PROPERTY HOLDINGS LLC
C/O HUDSON HOMES MANAGEMENT LLC
ATTN: HEATHER HAWKINS 2711 N HASKELL STE
1800
DALLAS, TX 75204

AMERICAN RESIDENTIAL LEASING COMPANY LLC
ATTN: PROPERTY TAX DEPARTMENT 23975
PARK SORRENTO, SUITE 300
CALABASAS, CA 91302

KJT FLYING PROPERTIES LLC
PO BOX 1476
ROCKWALL, TX 75087

BURKE CASEY JOE AND ANDREA GAYDEN
PO BOX 2514
ROCKWALL, TX 75087

PUBLIC NOTICE



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

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

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

Z2023-053: Amendment to PD-4

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 72-03 & 01-26] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, December 12, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, December 18, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, December 18, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2023-053: Amendment to PD-4

Please place a check mark on the appropriate line below:

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

[Empty form area for comments]

Name: [Input field]

Address: [Input field]

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

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

PUBLIC NOTICE



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

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

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

Z2023-053: Amendment to PD-4

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 72-03 & 01-26] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, December 12, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, December 18, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, December 18, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2023-053: Amendment to PD-4

Please place a check mark on the appropriate line below:

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

Casey and I are in favor of a class A office building at the proposed site, similar to the newest office building further down ridge road (KE Andrews)

Please not a pizza place, nail salon, discount store!

Name: *Andrea Burke*

Address: [Redacted]

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

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

Lee, Henry

From: N N <[REDACTED]>
Sent: Thursday, December 7, 2023 4:47 PM
To: Planning
Subject: Z2023-053 Najmabadi

Good afternoon,

Our names are Jennifer and Nathan Najmabadi. We are located directly across the street from the property that wants the amendment to PD-4. Our address is [REDACTED] here in Rockwall, we have lived at this property for over a decade now. Unfortunately we can not be there in person like we have been in the past for every time this property owner has tried to change the zoning for this property. Once again we are here to plead to council members and the P&Z to not allow any change or amendments to this property. A high rise building does not belong along the scenic overlay and certainly not towering over our backyards and into our homes. We have accepted the fact that Ridge Road has gotten and will get busier with the growing population but purposely adding a high rise building that will draw much more traffic to the area is in our opinion irresponsible. We are also concerned about our safety, cleanliness, and noise having a parking lot directly across from our homes and neighborhood. The lighting of the lot is a concern as well. The property is best suited as small retail, small office, but preferably a park or green space or memorial type space. Please do not allow another high rise along the already busy Ridge Road.

Thank you for your consideration and service.

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

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

From: [Wells, Rachel M](#)
To: [Planning](#)
Subject: Proposed Zoning Change Z2023-053: Amendment to PD4 ***RESIDENT COMMENT***
Date: Saturday, December 2, 2023 6:14:58 PM

TO: Henry Lee- Rockwall Planning and Zoning Commission
385 S. Goliad St.
Rockwall TX 75087

FROM: Rachel Wells
[REDACTED]

December 2, 2023

Dear Mr. Lee, Members of the Planning and Zoning Commission, and Members of the Rockwall City Council),

My name is Rachel Wells and I'm the owner of the home and property located at [REDACTED] In Rockwall. Ridge Rd at the corner of Becky Lane. [REDACTED].

As a resident living in this location I can bear witness to the traffic situation directly in front of our home currently. It's a very busy street as we know, with a strong propensity to get backed up with traffic with the slightest bit of crowding for the day or incident on I-30.

My family and I live directly across the street from what I believe is being proposed as zoning change to retail.

I am wholeheartedly opposed to the change to retail - if that is what is being proposed. It is difficult to fully tell from the wording.

Here is why:

1) No Current Plan to Address Current Traffic, Let Alone That Which Comes With a New Retail Development

- Rockwall is a town many have beloved for their lifetimes, and for newer residents, for its still-small-place feel and quiet way of life, just outside of Dallas. Development comes with growth, indeed. However, the city of Rockwall has zero plan for traffic related to each new development it creates. The topic of conversation at every corner restaurant or coffee shop on every neighborhood block is of the out-of-control traffic that has taken over the city with very little attention to it.

2) Current Retail and Commercial Vacancies

There is absolutely no need for a new concrete development of retail when just North on the East Side of Ridge Rd is a retail strip with vacancies, along with vacancies at strips even a mile to the south. There is not a need nor outcry from anyone in the community for "More shopping or dining" space. We have plenty of development - with massive amounts of vacancies. See, I-30 vacant restaurant spaces. There is no outcry or need coming from community members and general citizens of Rockwall for more retail space on Ridge Road.

None.

3) Traffic and Safety on Ridge Rd

With chaotic if any traffic planning on Ridge Rd currently, it has become a major thru-way without any of the improvements needed.

The outcry from the residents in neighborhoods and those who live directly on the street affected, is for someone in our local elected offices to do something about the crippling amounts of traffic we are experiencing due to the rapidity of development, growth and migration to Rockwall County. I ask that we consider the need to fill the commercial retail space we have before committing to further building without an adequate transportation plan - especially this close to the High School.

4) Drainage and Flooding to Homeowners Located Down the Hill tToward the Lake

My home and those of our neighbors already deal with massive run-off of rainwater down the hill from East to West toward the lake. I have just again invested another \$20K in foundation work, this after the previous homeowner invested approximately \$15K. The foundation here and irrigation is difficult. I stay and my neighbors stay because we love our town and if we have traffic in front of us, at least the view is of trees, rather than another retail eyesore. Add more concrete, more development and we lose what little natural flood planing we have. The water currently rolls down during massive rain and ice storms. If development were to be created at that space,

Overall, spend 10 minutes on my front porch and one can simply witness the back up of traffic along Ridge Rd/FM-740 currently at any time of day at the I-30 interchange. Now, since the new development on the West side of Ridge Rd at Yellowjacket Lane, there are regular moments when traffic is backed up on Ridge Rd, past my house here at Ridge Rd and Becky Lane - on the West Side of Ridge Rd. It's almost silly that our commission is considering further retail new development until we have an answer to current massive traffic problems.

Thank you for your consideration. I can be reached at [REDACTED] for any further questions. I believe I won't be able to make it to the December 12th meeting as, I'm working. I work in Dallas and though I I can leave at 5pm, we all know that no one plans to be home in Rockwall from Dallas in only one hour at 5pm. Thank you for letting me express my opinion via email.

Sincerely,
Rachel Wells

[REDACTED]

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

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

PUBLIC NOTICE



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

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

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

Z2023-053: Amendment to PD-4

Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) on behalf of Richard Chandler of HFS Management, Inc. for the approval of a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 72-03 & 01-26] being a 12.1462-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, December 12, 2023 at 6:00 PM, and the City Council will hold a public hearing on Monday, December 18, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

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

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

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

Your comments must be received by Monday, December 18, 2023 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



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

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

Case No. Z2023-053: Amendment to PD-4

Please place a check mark on the appropriate line below:

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

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

1) Proposed development would increase traffic. Is there a proposed traffic study? Also, there would be more traffic noise.
2) Increased usage of water. Which is already exhausted due to increased expansion. 3) Rail Road Lines Near Proposed site is a safety issue of derailment

Name: Kris + Jue Padilla
Address: [Redacted] Rockwall, TX 75087

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

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



WATERSTONE HOMEOWNERS ASSOCIATION (WHOA)

P.O. Box 1956

Rockwall, TX 75087

<http://www.waterstone-estates.org>

whoarockwall@gmail.com

December 12, 2023

Respectfully Submitted to the Planning and Zoning Commission of Rockwall, Texas,

The Waterstone Homeowners Association Board and our homeowners are Opposed to the proposed zoning change referenced as Z2023-053.

The proposed zoning change (Z2023-053) is only a concept without construction details, no parking information, it appears to be an open-ended approval of almost any building(s) of any size up to 90 feet in height, and the wording in the proposed ordinance would also approve the construction of the proposed construction detailed in zoning change Z2021-033, which was NOT Approved previously. We request the Planning and Zoning Commission reject and not approve the requested zoning change Z2023-053, and require detailed information before any reconsideration.

Per information provided by Mike Spack, PE, PTOE and TXDOT and the cited references:

Office buildings add 10 vehicle trips per day for every 1000 square feet (see Institute of Transportation Engineers (ITE) Trip Generation Report 10th edition). The concept drawing in Z2023-053 indicates two (2) buildings of six (6) stories in height with approximately 154,000 square feet of combined area (PLEASE NOTE THIS IS ONLY BASED ON A CONCEPT NOT A PLAN). This would add about 1,540 vehicles per day to Ridge Road. TXDOT lists the Annual Average Daily Traffic (AADT) on Ridge Road between Becky Lane and the Railroad tracks as 24,222 vehicles in 2019, with a trend increasing at 3% per year. If proposed construction completed in 2025, this six (6) year increase in TXDOT traffic would be $24,222 * 1.03^6 = 28,922$ additional vehicles per day. Adding the TXDOT vehicles to the Concept vehicles $28,922 + 1,540 = 30,462$ vehicles per day **TOTAL by 2025** at construction. **The Level of Service D/E Threshold in the Highway Capacity Manual (HCM) 6th edition lists the capacity of a 4 lane with left turns at 36,800 vehicles per day. This means Ridge Road would be near 83% of capacity, which may require widening of the existing Ridge Road.**

Another concern is the sanitary sewer capacity for the property in question, which currently has two (2) 8-inch diameter lines. The rule of thumb for sewer capacity is 200 residences per 8-inch sanitary sewer line. If final construction is not limited, it could easily require additional sewer lines.

We ask the Planning and Zoning Commission to Deny Z2021-033 and reject the proposed zoning change.

Regards,

Handwritten signature of Harold L. Snyder, Jr.

Harold L. Snyder, Jr., WHOA Board Chairperson, Waterstone Homeowners Association



November 13, 2023

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

Re: 1661 Ridge Rd

Mr. Miller:

Enclosed you will find an application and supporting documents requesting that the Planning and Zoning Commission and City Council grant an amendment to the PD-4 zoning on the 12.1462-acre tract of land located at 1661 Ridge Rd in Rockwall. The Rockwall Economic Development Corporation (REDC) has a contract to purchase the property and has been performing due diligence and planning exercises over the past several months.

The REDC intends to utilize the property to attract “Class-A” corporate office developments occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall. In order to attract the tenants and the significant tax value investment desired by the REDC, we are proposing office projects that will be vertical in nature, which we feel will be of superior quality than the standard one or two-story garden-style office buildings that are more commonly seen without public involvement.

The provided cross-sections show a potential maximum building height of 90 feet above grade. Therefore, the zoning requires an amendment to allow for building heights up to 90 feet, as well as the FAR (floor area ratio) to accommodate office buildings of this scale. Please note that the property grade is approximately 12 to 13 feet below the elevation of Ridge Road. The REDC does not anticipate that a future office building will exceed the existing heights of the Lakeview Apartments building located to the north of the adjacent Rockwall Commons.

It is worth noting that the REDC is strictly governed by state statute as well as oversight provided by a Board of Directors of Rockwall residents appointed by the Rockwall City Council. You may rest-assured that the future development of this property will be of the highest-quality, will adhere to City of Rockwall development standards, and will support business enterprise and local employment alike. Furthermore, the REDC is highly selective in its recruiting efforts and therefore will be patient in the development of this property, not wishing to compromise on quality for an expedient development.

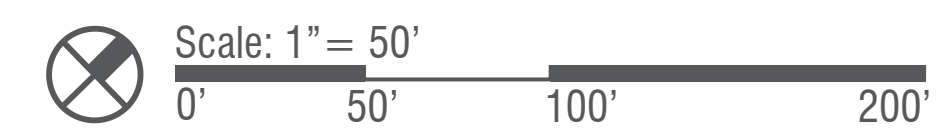
The REDC kindly requests this amendment to PD-4 to facilitate the development of this property for the purposes of high-quality corporate office development.

Respectfully,

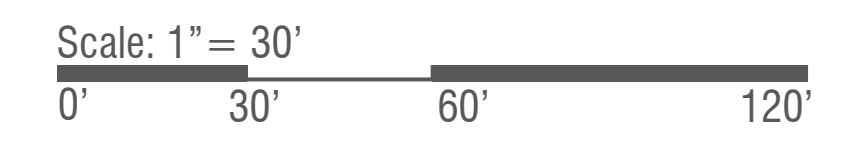
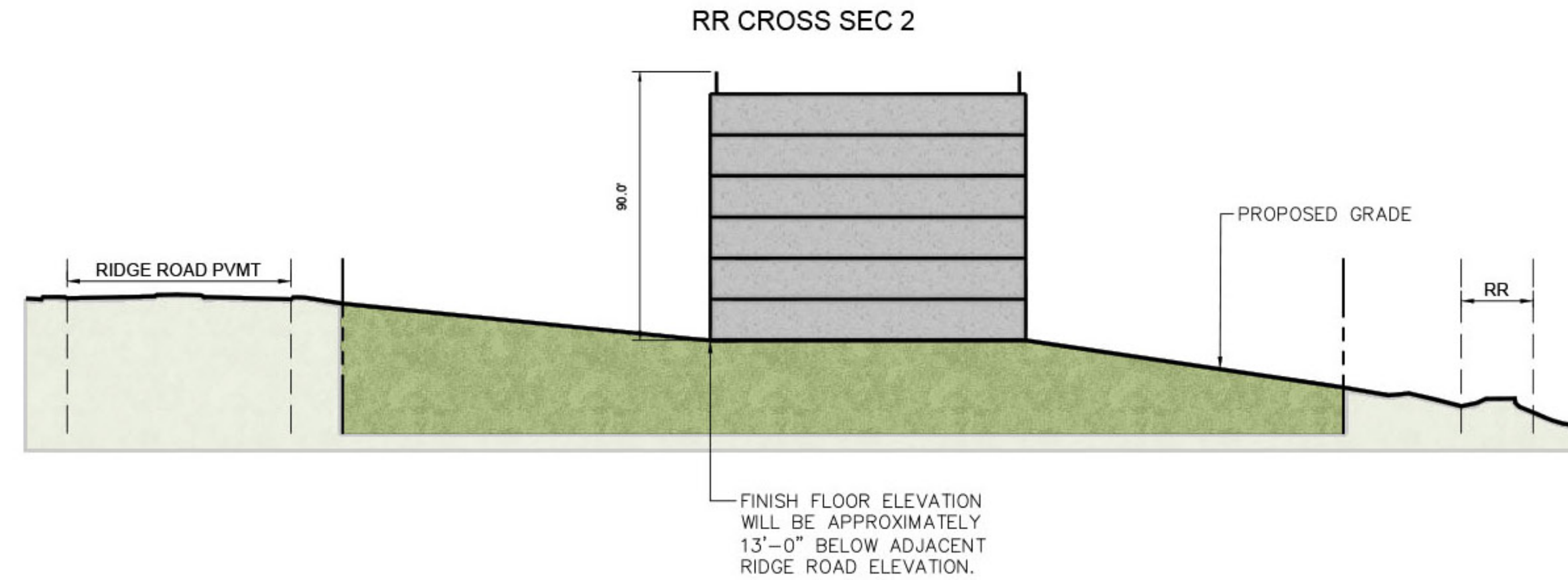
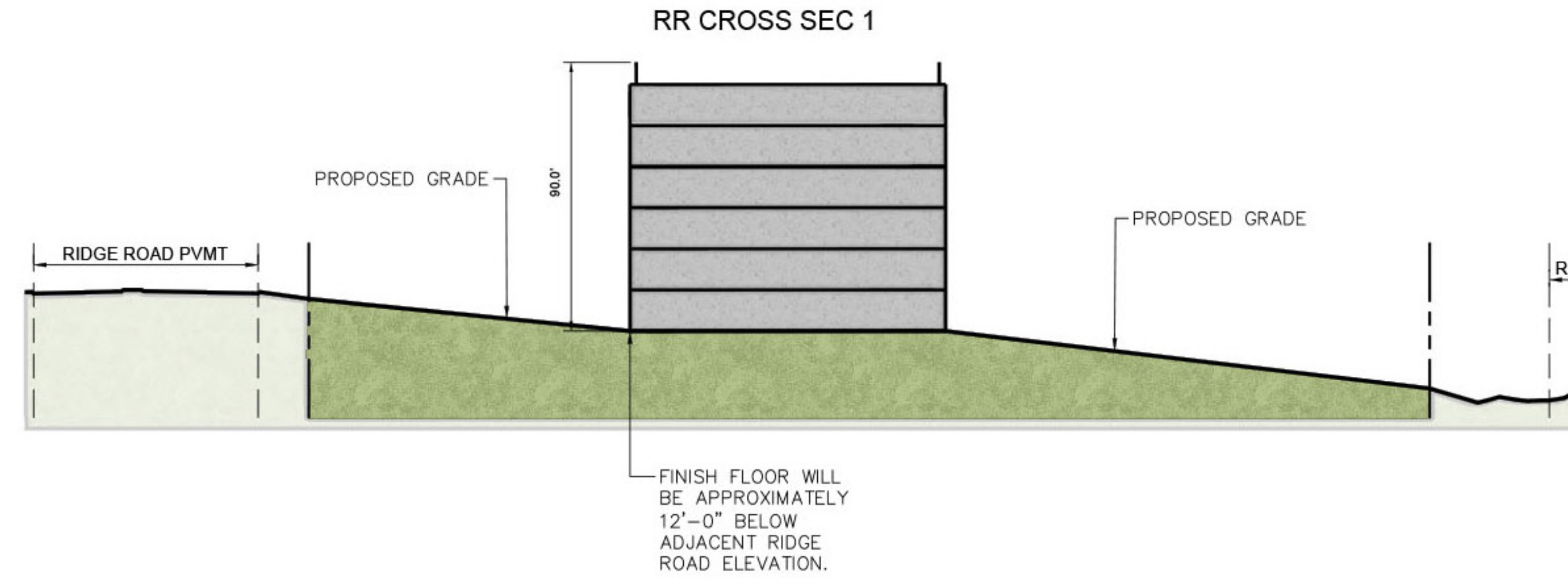
A handwritten signature in black ink, appearing to read "Matt Wavering". The signature is fluid and cursive, with a large loop at the end.

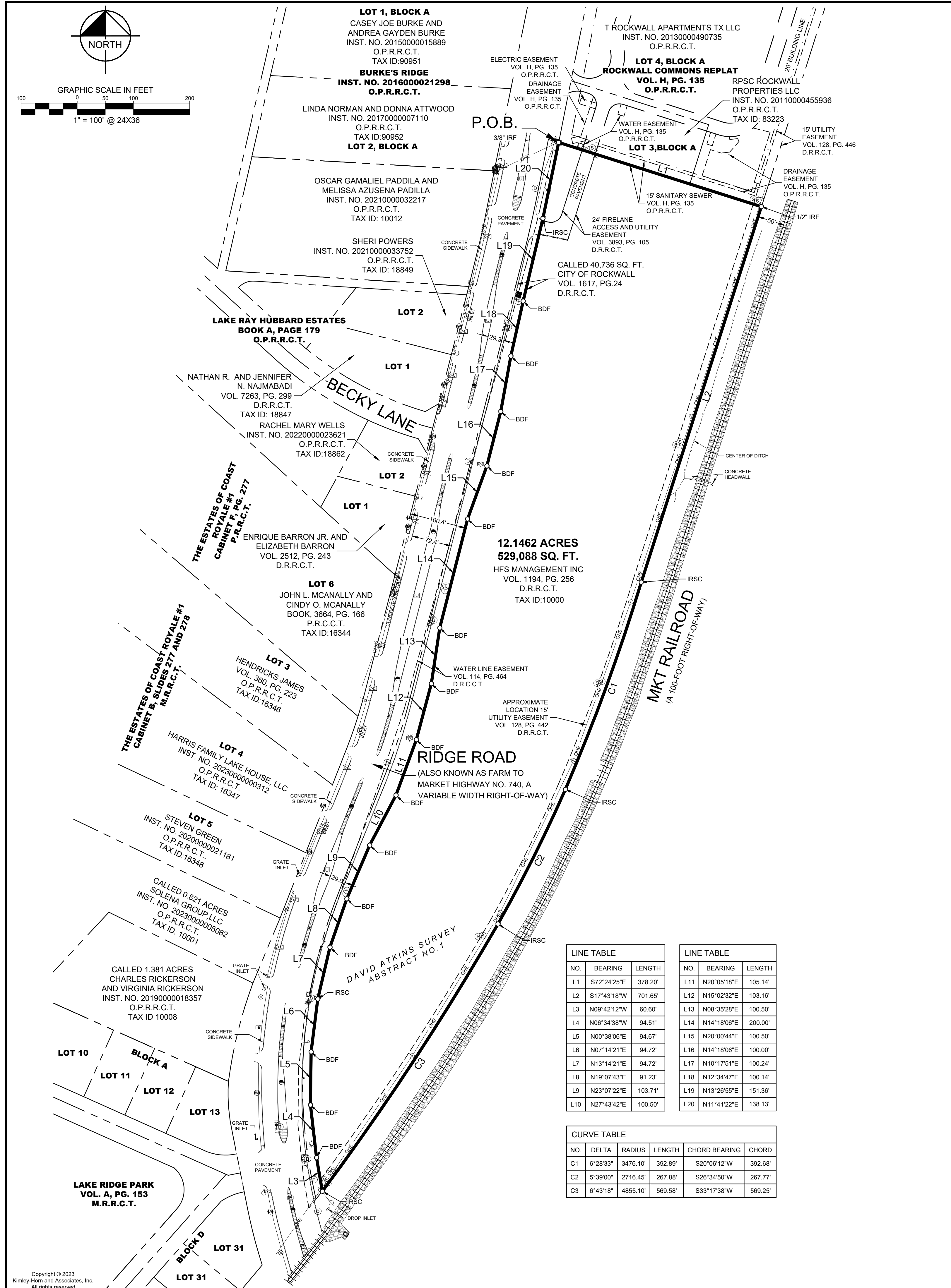
Matt Wavering
Vice President

CONCEPT SITE PLAN



CONCEPT SITE SECTION





PROPERTY DESCRIPTION

BEING a tract of land situated in the David Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, and being a portion of a tract of land described in the Special Warranty Deed to HFS Management Inc., recorded in Volume 1194, Page 256, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at 3/8-inch iron rod found in the east right-of-way line of Ridge Road (also known as Farm to Market Highway No. 740, a variable width right-of-way), same being the northeast corner of a called 40,736 square foot tract of land described in the Right-of-Way Deed to the City of Rockwall, recorded in Volume 1617, Page 25, Deed Records, Rockwall County, Texas, and being the southwest corner of Lot 3, Block A of Rockwall Commons Replat, an Addition to the City of Rockwall according to the plat thereof recorded in Instrument No. 2010000443217, Official Public Records, Rockwall County, Texas, and being in the north line of said HFS Management Inc., tract;

THENCE with the north line of said HFS Management Inc., tract, South 72°24'25" East, a distance of 378.20 feet to a 1/2-inch iron rod found in the west right-of-way line of MKT Railroad (a 100-foot right-of-way), same being the southeast corner of Lot 4, Block A of the aforementioned Rockwall Commons Replat;

THENCE with the west right-of-way line of said MKT Railroad, the following courses and distances:

South 17°43'18" West, a distance of 701.65 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 3,476.10 feet, a central angle of 06°28'33", and a chord bearing and distance of South 20°06'12" West, 392.68 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 392.89 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 2,716.45 feet, a central angle of 05°39'00", and a chord bearing and distance of South 26°34'50" West, 267.77 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 267.88 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 4,855.10 feet, a central angle of 06°43'18", and a chord bearing and distance of South 33°17'38" West, 569.25 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 569.58 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the intersection of the west right-of-way line of said MKT Railroad and the east right-of-way line of said Ridge Road;

THENCE with said east right-of-way line of Ridge Road and the east line of the aforementioned 40,736 square foot tract, the following courses and distances:

North 09°42'12" West, a distance of 60.60 feet to a 4-inch bronze disk stamped "Texas Department of Transportation" found (hereinafter called bronze disk);

North 06°34'38" West, a distance of 94.51 feet to a bronze disk found;

North 00°38'06" East, a distance of 94.67 feet to a bronze disk found;

North 07°14'21" East, a distance of 94.72 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 13°14'21" East, a distance of 94.72 feet to a bronze disk found;

North 19°07'43" East, a distance of 91.23 feet to a bronze disk found;

North 23°07'22" East, a distance of 103.71 feet to a bronze disk found;

North 27°43'42" East, a distance of 100.50 feet to a bronze disk found;

North 20°05'18" East, a distance of 105.14 feet to a bronze disk found;

North 15°02'32" East, a distance of 103.16 feet to a bronze disk found;

North 08°35'28" East, a distance of 100.50 feet to a bronze disk found;

North 14°18'06" East, a distance of 200.00 feet to a bronze disk found;

North 20°00'44" East, a distance of 100.50 feet to a bronze disk found;

North 14°18'06" East, a distance of 100.00 feet to a bronze disk found;

North 10°17'51" East, a distance of 100.24 feet to a bronze disk found;

North 12°34'47" East, a distance of 100.14 feet to a bronze disk found;

North 13°26'55" East, a distance of 151.36 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 11°41'22" East, a distance of 138.13 feet to the **POINT OF BEGINNING** and containing a calculated area of 529,088 square feet or 12.1462 acres of land.

NOTES:

- Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983, Adjustment Realization of 2011.
- There was no visible evidence of current earth moving work, building construction or building additions were observed at the time of the survey.
- There were no marked or designated parking spaces at the time of survey.
- Tax ID Numbers and property addresses shown hereon referenced from the Rockwall Central Appraisal District Website (rockwallcad.com).

NOTES ADDRESSING SCHEDULE B EXCEPTIONS:

(Pursuant to Commitment for Title Insurance, issued by First American Title Insurance Company, GF. No. 1002-386137-RTT, effective date August 18, 2023, issued August 31, 2023.)

- The Easement to the City of Rockwall, recorded in Volume 114, Page 464, Deed Records, Rockwall County, Texas, as shown hereon.
- The 15-foot Utility Easement recorded in Volume 128, Page 442, Deed Records, Rockwall County, Texas, as shown hereon.
- The 24-foot Firelane, Access and Utility Easement to the City of Rockwall, recorded in Volume 3893, Page 105, Real Property Records, Rockwall County, Texas, as shown hereon.

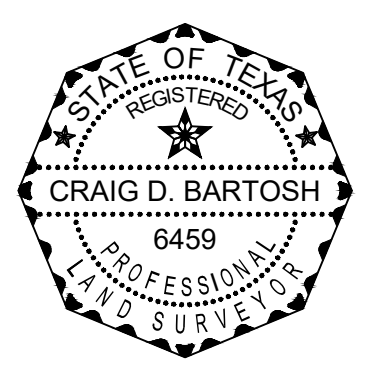
SURVEYOR'S CERTIFICATION:

To: HFS Management, INC.
 FWT Development LLC.
 First American Title Insurance Company,
 Republic Title of Texas, Inc.;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 8, 9, 13 and 16 of Table A thereof.

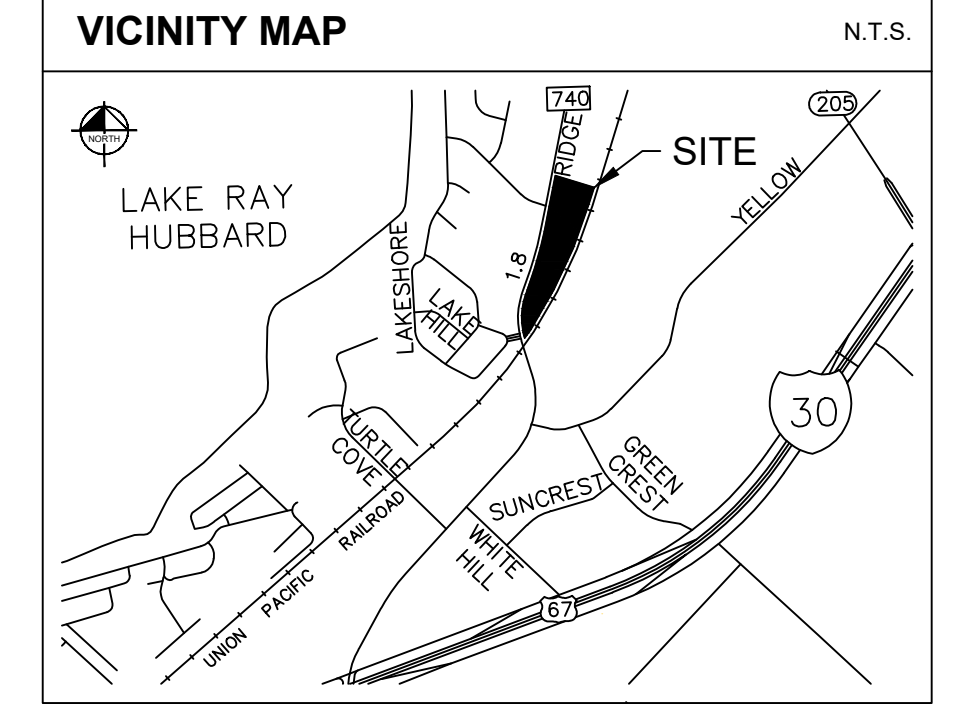
The field work was completed on August 21, 2023.

Craig D. Bartosh 9/15/2023
 Registered Professional Land Surveyor No. 6459
 Kimley-Horn and Associates, Inc.
 13455 Noel Road
 Two Galleria Office Tower, Suite 700
 Dallas, Texas 75240
 Ph. 972-770-1300
 craig.bartosh@kimley-horn.com



LINE TABLE				LINE TABLE			
NO.	BEARING	LENGTH		NO.	BEARING	LENGTH	
L1	S72°24'25"E	378.20'		L11	N20°05'18"E	105.14'	
L2	S17°43'18"W	701.65'		L12	N15°02'32"E	103.16'	
L3	N09°42'12"W	60.60'		L13	N08°35'28"E	100.50'	
L4	N06°34'38"W	94.51'		L14	N14°18'06"E	200.00'	
L5	N00°38'06"E	94.67'		L15	N20°00'44"E	100.50'	
L6	N07°14'21"E	94.72'		L16	N14°18'06"E	100.00'	
L7	N13°14'21"E	94.72'		L17	N10°17'51"E	100.24'	
L8	N19°07'43"E	91.23'		L18	N12°34'47"E	100.14'	
L9	N23°07'22"E	103.71'		L19	N13°26'55"E	151.36'	
L10	N27°43'42"E	100.50'		L20	N11°41'22"E	138.13'	

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	6°28'33"	3476.10'	392.89'	S20°06'12"W	392.68'
C2	5°39'00"	2716.45'	267.88'	S26°34'50"W	267.77'
C3	6°43'18"	4855.10'	569.58'	S33°17'38"W	569.25'



LEGEND

ROOF DRAIN	MAIL BOX
CABLE TV BOX	SANITARY SEWER CLEAN OUT
CABLE TV HANDHOLE	SANITARY SEWER MANHOLE
CABLE TV MANHOLE	SANITARY SEWER MARKER FLAG
CABLE TV MARKER FLAG	SANITARY SEWER MARKER SIGN
CABLE TV MARKER SIGN	SANITARY SEWER SEPTIC TANK
CABLE TV VAULT	SANITARY SEWER VAULT
COMMUNICATIONS BOX	STORM SEWER BOX
COMMUNICATIONS HANDHOLE	STORM SEWER DRAIN
COMMUNICATIONS MANHOLE	STORM SEWER MANHOLE
COMMUNICATIONS MARKER FLAG	STORM SEWER VAULT
COMMUNICATIONS MARKER SIGN	TRAFFIC BARRIER
COMMUNICATIONS VAULT	TRAFFIC BOLLARD
ELEVATION BENCHMARK	CROSS WALK SIGNAL
FIBER OPTIC BOX	CROSS WALK SIGNAL
FIBER OPTIC HANDHOLE	TRAFFIC HANDHOLE
FIBER OPTIC MANHOLE	TRAFFIC MANHOLE
FIBER OPTIC MARKER FLAG	TRAFFIC MARKER SIGN
FIBER OPTIC MARKER SIGN	TRAFFIC SIGNAL
FIBER OPTIC VAULT	TRAFFIC VAULT
MONITORING WELL	UNIDENTIFIED BOX
GAS HANDHOLE	UNIDENTIFIED HANDHOLE
GAS METER	UNIDENTIFIED METER
GAS MANHOLE	UNIDENTIFIED MANHOLE
GAS MARKER FLAG	UNIDENTIFIED MARKER FLAG
GAS SIGN	UNIDENTIFIED MARKER SIGN
GAS TANK	UNIDENTIFIED POLE
GAS VAULT	UNIDENTIFIED TANK
GAS VALVE	UNIDENTIFIED VAULT
TELEPHONE BOX	UNIDENTIFIED VALVE
TELEPHONE HANDHOLE	TREE
TELEPHONE MANHOLE	WATER BOX
TELEPHONE MARKER FLAG	FIRE DEPT. CONNECTION
TELEPHONE MARKER SIGN	WATER HAND HOLE
TELEPHONE VAULT	FIRE HYDRANT
PIPELINE MARKER SIGN	WATER METER
ELECTRIC BOX	WATER MANHOLE
FLOOD LIGHT	WATER MARKER FLAG
GUY ANCHOR	WATER MARKER SIGN
GUY ANCHOR POLE	WATER VAULT
ELECTRIC HANDHOLE	WATER VALVE
LIGHT STANDARD	AIR RELEASE VALVE
ELECTRIC METER	WATER WELL
ELECTRIC MANHOLE	IRSC: 5/8" IRON ROD W/ "NHA" CAP SET
ELECTRIC MARKER FLAG	IRSC: BRON ROD WITH CAP FOUND
ELECTRIC MARKER SIGN	PKS: PK NAIL SET
UTILITY POLE	PKF: PK NAIL FOUND
ELECTRIC TRANSFORMER	IRF: IRON ROD FOUND
ELECTRIC VAULT	IPF: IRON PIPE FOUND
HANDICAPPED PARKING	ADF: ALUMINUM DISK FOUND
SIGN	X5: "X" CUT IN CONCRETE SET
MARQUEE/BILLBOARD	XF: "X" CUT IN CONCRETE FOUND
BORE LOCATION	P.O.B.: POINT OF BEGINNING
FLAG POLE	C.O.C.: POINT OF COMMENCING
GREASE TRAP	

LINE TYPE LEGEND

BOUNDARY LINE
ADJACENT PROPERTY LINE
EASEMENT LINE
BUILDING LINE
OVERHEAD UTILITY LINE
FENCE
CONCRETE PAVEMENT

ABBREVIATION LEGEND

P.O.B. = POINT OF BEGINNING
 IRSC = 5/8" IRON ROD WITH RED PLASTIC CAP STAMPED "KHA" SET
 IRFC = IRON ROD WITH CAP FOUND
 BDF = BRONZE DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION" FOUND
 VOL. = VOLUME
 PG. = PAGE
 O.P.R.R.C.T. = OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
 M.R.R.C.T. = MAP RECORDS, ROCKWALL COUNTY, TEXAS

FLOOD STATEMENT:

According to Federal Emergency Management Agency's Flood Insurance Rate Map No. 48397C0040L, for Rockwall County, Texas and incorporated areas, dated September 26, 2008 this property is located within Zone X (unshaded) defined as "Areas determined to be outside the 0.2% annual chance floodplain". If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor

ALTA/NSPS LAND TITLE SURVEY
 12.1462 ACRES
 DAVID ATKINS SURVEY, ABSTRACT NO. 1
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

Kimley»Horn
 13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3620
 Scale 1" = 100' Drawn by AEL Checked by CDB Date Sep. 2023 Project No. 064584403 Sheet No. 1 OF 1

CITY OF ROCKWALL

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 4 (PD-4) [ORDINANCE NO. 72-03 & 01-26] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 4 (PD-4) BEING 12.1148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE D. ATKINS SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall has received a request from Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of an amendment to Planned Development District 4 (PD-4) [Ordinance No. 72-03 & 01-26] being a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, which is more fully described in Exhibit 'A' and depicted in Exhibit 'B' of this ordinance, and hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 4 (PD-4) [Ordinance No. 's 72-03 & 01-26] and the Unified Development Code [Ordinance No. 20-02] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 's 72-03 & 01-26*;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

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

SECTION 4. That development of the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, depicted in Exhibit 'D' of this ordinance, attached hereto and incorporated herein by reference as Exhibit 'D', which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 5. That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in Exhibit 'E' of this ordinance, attached hereto and incorporated herein

by reference as *Exhibit 'E'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 6. That the official zoning map of the City of Rockwall, Texas be corrected to reflect the change in zoning described here in.

SECTION 7. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code [*Ordinance No. 04-38*] of any provision of the *City Code*, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code [*Ordinance No. 04-38*] (*including references to the Unified Development Code*), and references to overlay districts, in this ordinance or any of the *Exhibits* hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 10. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2TH DAY OF JANUARY, 2024.

Trace Johannesen, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: December 18, 2023

2nd Reading: January 2, 2024

EXHIBIT 'A':
Legal Description

BEING a tract of land situated in the David Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, and being a portion of a tract of land described in the Special Warranty Deed to HFS Management Inc., recorded in Volume 1194, Page 256, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at 3/8-inch iron rod found in the east right-of-way line of Ridge Road (also known as Farm to Market Highway No. 740, a variable width right-of-way), same being the northeast corner of a called 40,736 square foot tract of land described in the Right-of-Way Deed to the City of Rockwall, recorded in Volume 1617, Page 25, Deed Records, Rockwall County, Texas, and being the southwest corner of Lot 3, Block A of Rockwall Commons Replat, an Addition to the City of Rockwall according to the plat thereof recorded in Instrument No. 20100000443217, Official Public Records, Rockwall County, Texas, and being in the north line of said HFS Management Inc., tract;

THENCE with the north line of said HFS Management Inc., tract, South 72°24'25" East, a distance of 378.20 feet to a 1/2-inch iron rod found in the west right-of-way line of MKT Railroad (a 100-foot right-of-way), same being the southeast corner of Lot 4, Block A of the aforementioned Rockwall Commons Replat;

THENCE with the west right-of-way line of said MKT Railroad, the following courses and distances:

South 17°43'18" West, a distance of 701.65 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 3,476.10 feet, a central angle of 06°28'33", and a chord bearing and distance of South 20°06'12" West, 392.68 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 392.89 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 2,716.45 feet, a central angle of 05°39'00", and a chord bearing and distance of South 26°34'50" West, 267.77 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 267.88 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 4,855.10 feet, a central angle of 06°43'18", and a chord bearing and distance of South 33°17'38" West, 569.25 feet;

In a southerly direction, with said non-tangent curve to the right, an arc distance of 569.58 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set at the intersection of the west right-of-way line of said MKT Railroad and the east right-of-way line of said Ridge Road;

THENCE with said east right-of-way line of Ridge Road and the east line of the aforementioned 40,736 square foot tract, the following courses and distances:

North 09°42'12" West, a distance of 60.60 feet to a 4-inch bronze disk stamped "Texas Department of Transportation" found (hereinafter called bronze disk);

North 06°34'38" West, a distance of 94.51 feet to a bronze disk found;

North 00°38'06" East, a distance of 94.67 feet to a bronze disk found;

North 07°14'21" East, a distance of 94.72 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 13°14'21" East, a distance of 94.72 feet to a bronze disk found;

North 19°07'43" East, a distance of 91.23 feet to a bronze disk found;

North 23°07'22" East, a distance of 103.71 feet to a bronze disk found;

North 27°43'42" East, a distance of 100.50 feet to a bronze disk found;

EXHIBIT 'A':
Legal Description

North 20°05'18" East, a distance of 105.14 feet to a bronze disk found;

North 15°02'32" East, a distance of 103.16 feet to a bronze disk found;

North 08°35'28" East, a distance of 100.50 feet to a bronze disk found;

North 14°18'06" East, a distance of 200.00 feet to a bronze disk found;

North 20°00'44" East, a distance of 100.50 feet to a bronze disk found;

North 14°18'06" East, a distance of 100.00 feet to a bronze disk found;

North 10°17'51" East, a distance of 100.24 feet to a bronze disk found;

North 12°34'47" East, a distance of 100.14 feet to a bronze disk found;

North 13°26'55" East, a distance of 151.36 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 11°41'22" East, a distance of 138.13 feet to the POINT OF BEGINNING and containing a calculated area of 529,088 square feet or 12.1462 acres of land.

EXHIBIT 'B':
Survey

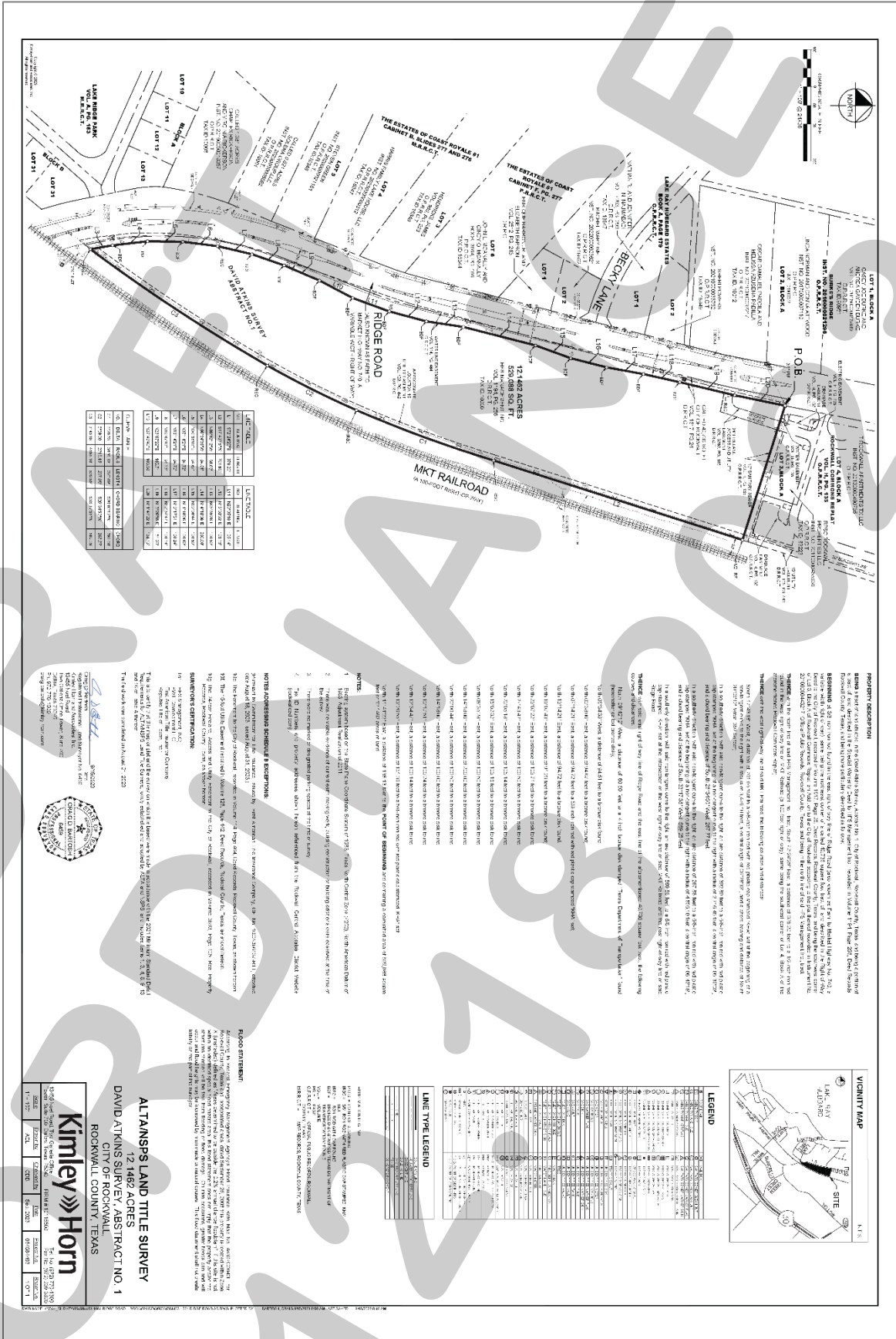


EXHIBIT 'C':
Concept Plan

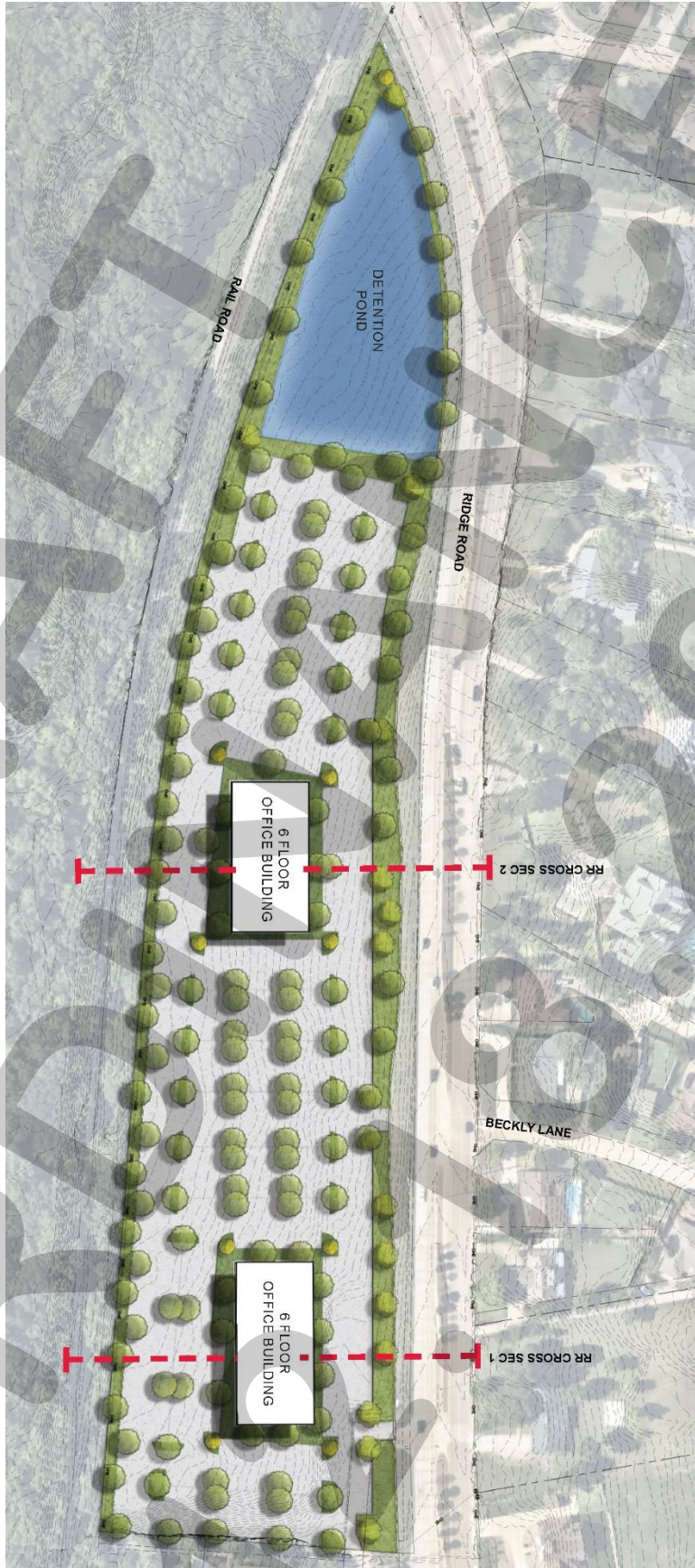


EXHIBIT 'D':
Conceptual Cross Sections

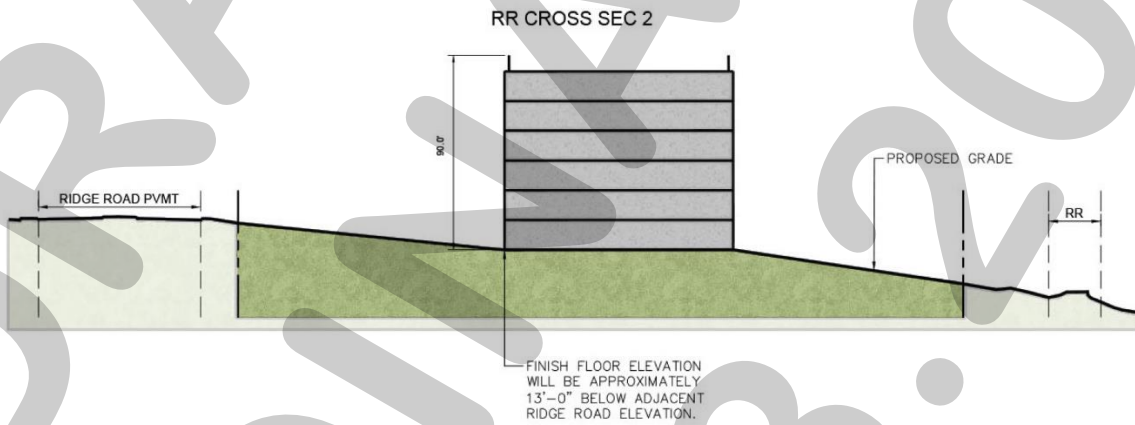
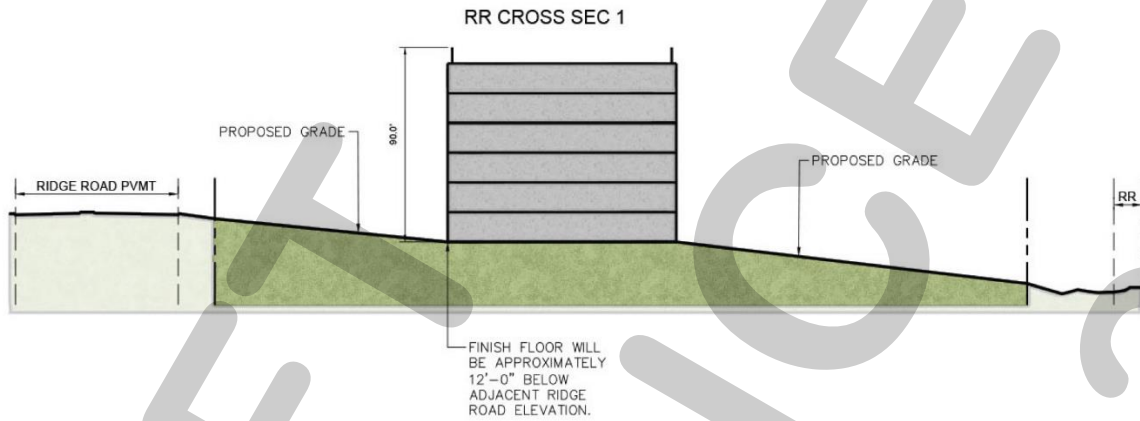


EXHIBIT 'E':
PD Development Standards

- (A) Purpose Statement. The purpose of this Planned Development District is to provide *Class 'A'* corporate offices that will be occupied by tenants that can provide high-quality employment opportunities for the citizens of Rockwall. In addition, this Planned Development District aims at attracting offices that can provide significant tax value and investment for the community. This type of development could include one (1) or two (2) large office buildings -- *and potentially some accessory or supporting land uses (e.g. retail, restaurant, etc.)* -- as depicted in the *Concept Plan* in *Exhibit 'A'*.
- (B) Permitted Uses. The *Subject Property* shall be subject to the land uses permitted in the General Retail (GR) District contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional land uses and restrictions:

Land Uses Permitted By-Right:

- Office Buildings Greater Than 25,000 SF

Prohibited Land Uses:

- Animal Clinic for Small Animals without Outdoor Pens
- Animal Boarding/Kennel without Outside Pens
- Animal Hospital, Clinic
- Convent, Monastery, or Temple
- Hotel or Motel (*i.e. Limited Service, Full Service, Residence*)
- Hotel, Residence
- Caretakers Quarters/Domestic or Security Unit
- Convalescent Care Facility/Nursing Home
- Daycare with Seven (7) or More Children
- Emergency Ground Ambulance Service
- Group or Community Home
- Hospice
- Hospital
- Public Library, Art Gallery or Museum
- Local Post Office
- Public or Private Primary School
- Public or Private Secondary School
- Cemetery/Mausoleum
- Mortuary of Funeral Chapel
- Temporary Carnival, Circus, or Amusement Ride
- Outdoor Commercial Amusement/Recreation
- Indoor Gun Club with Skeet or Target
- Antique/Collectible Store
- Astrologer, Hypnotist, or Psychic
- Garden Supply/Plant Nursery
- Night Club, Discotheque, or Dance Hall
- Secondhand Dealer
- Pawn Shop
- Laundromat with Dropoff/Pickup Services
- Self Service Laundromat
- Social Service Provider
- Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In
- Restaurant with 2,000 SF or More with Drive-Through or Drive-In
- Full Service Car Wash and Auto Detail
- Self Service Car Wash
- Service Station
- Mining and Extraction of (*Sand, Gravel, Oil and/or Other Materials*)
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

EXHIBIT 'E':
PD Development Standards

(C) Density and Dimensional Requirements. The *Subject Property* shall generally be developed in accordance with the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance; however, deviations in the number of buildings and building locations may be approved through the site plan process, as long as, the proposed development conforms to the spirit and intent of the stated purpose of this Planned Development District ordinance. In addition, unless specifically provided by this Planned Development District ordinance, any development of the *Subject Property* shall conform to the requirements stipulated for the General Retail (GR) District and the Scenic Overlay (SOV) District as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC). In addition, the subject property shall conform to the following standards:

TABLE 1: LOT DIMENSIONAL REQUIREMENTS

MINIMUM LOT WIDTH	60-FEET
MINIMUM LOT DEPTH	100-FEET
MINIMUM LOT AREA	6,000 SF
MINIMUM FRONT YARD SETBACK ^{1 & 2}	25-FEET
MINIMUM SIDE YARD SETBACK	10-FEET
MINIMUM REAR YARD SETBACK	10-FEET
BETWEEN BUILDINGS	15-FEET
MAXIMUM HEIGHT	90-FEET
MAXIMUM LOT COVERAGE	60%
FLOOR AREA RATIO	4:1

NOTES:

¹: A MAXIMUM OF ONE (1) ROW OF PARKING MAY BE LOCATED BETWEEN THE FRONT FAÇADE AND THE PROPERTY LINE.

²: THE FRONT YARD SETBACK SHALL CREATE A UNIFORM BUILDING FRONTAGE ALONG RIDGE ROAD [FM-740].

(D) PD Development Plan. A *PD Development Plan* shall be required if a proposed development within Planned Development District 4 (PD-4) does not meet the stated purpose described in Subsection (A) of *Exhibit 'E'* of this ordinance, and/or does not meet the intent of the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance. If a *PD Development Plan* is required it shall be submitted and approved in accordance with requirements of Article 10, *Planned Development Regulations*, of the Unified Development Code (UDC).

(E) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council members

FROM: Mary Smith, City Manager

DATE: December 12, 2023

SUBJECT: Garbage Rate Increase

The solid waste contract with Republic Waste as extended January 2021 includes an annual CPI rate increase to our residents and commercial customers. The contract sets the increase at 3% per year, which has worked to our advantage the last couple of years with much higher CPI rates. The accompanying resolution, if adopted by the City Council, will set the new rates to be effective 1/1/2024.

The new residential rate in the proposal reflects an increase of .65 cents per month including applicable sales tax and allows the residents to continue to enjoy the unlimited bulk pickup, twice per week garbage, and weekly recycling which have been the standard here for many years.

In addition, we have charged residents a monthly fee of 1.09 cents for household hazardous waste collection in 2023. As outlined in a separate agenda item, HHW Solutions has been our contractor for hazardous waste collection and has agreed to not seek a rate increase for calendar 2024.

Commercial rates will increase 3%.

Staff will be here to answer any questions regarding this matter.

CITY OF ROCKWALL, TEXAS

RESOLUTION # 23-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS FIXING THE COLLECTION RATE TO BE CHARGED FOR GARBAGE COLLECTION SERVICES FURNISHED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 34. Solid Waste, Article I. In General, Sec. 34-5 Collection Charges, of the City of Rockwall Code of Ordinances provides that the rates for garbage service within the city shall be established from time to time by city council resolution; and

WHEREAS, the City Council finds that, due to increasing costs, it is necessary to increase the rates charged for garbage collection services.

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

SECTION 1. That the following monthly rates are hereby established and adopted and shall be collected for garbage collection services billed by the City:

Residential Rates							
Twice per week collection							
Twice per month brush/bulky							
Once per week recycle collection				\$20.76			
Polycart Rental				\$4.59 per month			
Household Hazardous Waste collection				\$1.12 per month			
Commercial Rates							
Twice per week hand collection		\$27.32					
	1X	2X	3X	4X	5X	6X	Extra
2 yard	\$ 94.30	\$174.44	n/a	n/a	n/a	n/a	\$ 53.20
3 yard	\$106.22	\$196.48	n/a	n/a	n/a	n/a	\$ 59.00
4 yard	\$132.80	\$245.63	\$341.95	n/a	n/a	n/a	\$ 65.55
6 yard	\$159.33	\$294.79	\$409.98	\$507.78	n/a	n/a	\$ 77.54
8 yard	\$199.17	\$368.48	\$512.49	\$634.68	\$738.66	\$827.00	\$ 91.77
Roll Off		Compactors		Commercial			
20 yard	\$553.98	30 yard compactor	\$621.08	Extra Yards		\$50.00	
30 yard	\$582.49	35 yard compactor	\$669.79	Delivery		\$163.91	
40 yard	\$604.31	42 yard compactor	\$669.79	Removal		\$163.91	
Del / Exc	\$187.44			Relocates		\$163.91	
Daily rental	\$ 4.90						

Rentals range from \$1.00 to \$600.00 per month (determined by age, type, size of compactor).
Installation is not included.

Rates include street use fees as described in the contract.

SECTION 2. That these rates and charges shall become effective and be in full force and effect starting January 1, 2024.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS THIS 18th DAY OF DECEMBER, 2023.**

APPROVED:

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary



City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: December 15, 2023
SUBJECT: Water / Wastewater Rates

The City Council periodically sets water and sewer rates to collect sufficient funds to run the water and wastewater operations of the City, to pay debt service on large utility projects, and to maintain a minimum 60-day reserve in the event of a downturn in revenues. A good example was the significant drought years when our residents reacted very effectively to the call for conservation.

Rockwall is a member-city of the NTMWD and as such has a set minimum demand and pays the “member rate” for that amount of water. The often discussed “take or pay”. In the past couple of years, the member cities and the NTMWD Board reached an agreement which allows for a rolling average usage to be used phased in over multiple years allowing the cities to reduce minimum demand if there is a prolonged downturn in consumption. Rockwall exceeded our minimum consumption in 2022 and was slightly under our minimum in 2023. The Board sets water rates to meet their expenses, debt service, and reserve needs as all of us do. The rate adjustment this year was .30cents per thousand gallons of water.

In addition, the District manages our two wastewater treatment plants for which we pay 100% of the expense along with the regional sewer transmission line which carries much of our wastewater to the regional plant in Mesquite. We are responsible for our pro-rata share of the debt service on the regional line and treatment cost at the plant. A parallel transmission line is being constructed now and the associated debt service for that new line is included in the FY2024 budget and reflects a 20.7% increase in that cost. Wastewater treatment cost has increased an overall 19.7%.

City staff worked on an internal rate analysis and recommends the rate increases reflected on the attached Resolution.

Generally, the base rate would increase \$.76 cents per month for water and \$1.75 per month for wastewater. The volumetric rate would increase \$.30 cents per thousand gallons across all rate tiers for water and \$.70 cents per thousand gallons for wastewater. Wastewater will continue to be billed based on a winter averaging to best reflect the domestic water usage metered at each home compared with the much higher summer months consumption.

The attached Resolution also increases the meter deposit for both residential and commercial which have not been adjusted in many years. In addition, the deposit for construction fire hydrant meters and backflow devices is increasing along with builder deposits both residential and commercial. We see a small number of builders who do not pay the final bill on a new build and we want to try to cover as much of that in the deposit as we can. In addition, we are working closely with both Engineering and Building Inspection to make sure those final bill payments get made as we are finalizing an occupancy.

Rates are studied periodically by an outside rate consultant to make sure that we are setting rates appropriately to maintain our utility systems. This was last done in FY2019 and funds are included in the current budget to update our study during this fiscal year.

Rates are adopted by Resolution at the Council's discretion. Staff is available to answer any questions the Council may have as the Resolution is considered for adoption.

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 23-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS FIXING THE RATE TO BE CHARGED FOR WATER AND WASTEWATER SERVICES FURNISHED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 44, Article III, Section 44-74, of the City of Rockwall Code of Ordinances provides that rates and charges for water and wastewater services and the procedures relative to the collection thereof shall from time to time be set by resolution of the City Council; and

WHEREAS, the City Council finds that, due to increasing costs, it is necessary to increase the rates charged for water and wastewater services.

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

SECTION 1. The following monthly rates are hereby established and shall be collected for water and wastewater services billed by the City:

	<u>Meter size</u>		<u>Water Rates</u>		<u>Wastewater Rates</u>
Monthly Minimum Bills:					
Residential:	0.75	\$	25.75	\$	24.50
	1.00		31.00		28.25
	1.50		35.50		33.00
	2.00		44.50		41.50
Non-residential:	0.75	\$	29.75	\$	26.50
	1.00		34.00		29.75
	1.50		38.00		35.00
	2.00		47.00		43.50
	3.00		64.75		54.50
	4.00		81.75		69.75
	6.00		99.50		84.75
Irrigation Meters:	0.75	\$	29.75	\$	N/A
	1.00		34.00		N/A
	1.50		38.00		N/A
	2.00		47.00		N/A
	3.00		64.75		N/A
	4.00		81.75		N/A
	6.00		99.50		N/A
Rate per TH Gallons - Water:	Residential 2,001-8,000 gallons	\$	4.11	\$	N/A
	Residential 8,001-16,000 gallons		5.09		N/A
	Residential over 16,000 gallons		6.98		N/A
	Irrigation over 2,000 gallons		6.98		N/A
	Non-residential over 2,000 gallons		6.03		N/A
	Wholesale Contract Rate		4.67		N/A
Rate per TH Gallons - Wastewater:			N/A		4.25

SECTION 2. Calculation of monthly volume charge for wastewater. The monthly volume charge for residential customers for wastewater service shall be calculated each year based on the average monthly water usage during the previous winter months, consisting of December, January, and February. Where no previous winter average is available, the Director of Finance shall estimate a volume to be used for this monthly charge. The monthly volume charge will be recalculated in March of each year.

SECTION 3. An initial deposit shall be required of all customers requesting utility service. Letters of good credit will not be accepted in lieu of a deposit. Required deposits shall be as follows:

Residential Meter Deposit	one hundred dollars (\$100.00) per meter
Commercial Meter Deposit	two hundred dollars (\$200.00) per meter
Irrigation Meter Deposit	two hundred dollars (\$200.00) per meter
Hydrant Meter Deposit	one thousand dollars (\$1,000) per meter
Backflow Device Deposit	seven hundred dollars (700.00) per device

SECTION 4. The residential meter deposit shall be refunded to the customer's account after a 36 month period of prompt payments. The customer's account history shall not reflect any late payments, disconnection of service or non-sufficient funds items received by the City, during this period. The 36 month period shall be calculated on a rolling calendar basis.

SECTION 5. Service is subject to disconnection if any amount of a bill is delinquent after the due date of the following month's bill. In addition to payment of the total amount of the bill for which service has been disconnected, a reconnection fee of fifty dollars (\$50.00) shall be charged to reestablish service. If a customer is disconnected for non-payment or payment by non-sufficient funds, a deposit shall be assessed prior to reconnection of services, if a deposit is not currently on file. If reconnection is requested after normal business hours, an additional after-hours service charge of seventy-five dollars (\$75.00) shall also be charged. If a technician has been dispatched, all of the above charges shall be due regardless of whether or not service has actually been terminated.

SECTION 6. Builders requiring water service during construction shall be required to place a service deposit of one hundred dollars (\$100.00) per residential construction site, and two hundred dollars (\$200.00) per commercial construction site.

SECTION 7. In the event of receipt of any payment, which is later deemed to be uncollectible by the City's depository, the customer shall be charged an administrative fee of thirty-five dollars (\$35.00) per occurrence.

SECTION 8. These rates and charges shall become effective and be in full force and effect beginning January 1, 2024.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 18th DAY OF DECEMBER, 2023.

APPROVED:

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council Members

FROM: Mary Smith, City Manager

DATE: December 12, 2023

SUBJECT: Extension of Household Hazardous Waste Collection Agreement

HHW Solutions has been our collection provider for household hazardous waste since May 2019 with the agreement slated to expire May 31, 2024. The agreement allows a CPI adjustment per year. The CPI increase for 2024 would be 4.6%.

The company's General Manager and Rockwall resident, Dick Demien, has offered to extend the contract for an additional five years and waive the first year (2024) CPI adjustment if the City grants the extension to May 2029

HHW Solutions provides porch pick up of these materials including paint, lawn chemicals, e-waste and other items on a scheduled basis. We rarely hear any complaints regarding their service. Our customers have appreciated the front porch service compared to our previous annual collection day.

The City collects the monthly fee to cover the service in the garbage fee and the company bills the City monthly on customer house counts which we provide to them.

The current fee is \$1.09 per month per household in 2023 and will remain the same in 2024 if the Council grants the agreement extension for an additional five-year term.

The contractor will be available to answer any questions as Council considers this extension.

**NON-EXCLUSIVE AGREEMENT
FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF
HOUSEHOLD HAZARDOUS WASTE
IN THE CITY OF ROCKWALL, TEXAS**

**STATE OF TEXAS
COUNTY OF ROCKWALL**

THIS **NON-EXCLUSIVE AGREEMENT** (this "Agreement") is made and entered into as of April 8, 2019, by and between Doliver Enterprises, LLC., a Texas Corporation, dba HHW Solutions (the "Service Provider"), and the City of Rockwall, Texas (the "City").

WHEREAS, the City, subject to the terms and conditions set forth herein and the ordinances and regulations of the City, desires to grant to the Service Provider the license and privilege to collect, haul and recycle or dispose of Household Hazardous Waste (as such terms are defined herein) within the City's corporate limits; and

WHEREAS, the City Council of the City of Rockwall has determined that this Contract is necessary to preserve and protect the public health of the citizens of the City.

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

SECTION 1. DEFINED TERMS.

The following terms, as used herein, will be defined as follows:

Aggregate - The act of bringing together household hazardous waste that, after being separated from other household waste, is collected from two or more households and accumulated at a collection event, permanent collection center, point of generation pick-up service, mobile collection unit, or transporter's facility for the purpose of reusing, recycling, or disposing the material.

Business Day - Any day that is not a Saturday, a Sunday, or other day on which banks are required or authorized by law to be closed in the City.

Collector - Any person who accepts from two or more households any waste materials that have been separated from other household waste and offered to the collector because the generator either knows or considers the materials to be household hazardous waste.

E-Waste - Computer hardware, TV's, printers, copiers, scanners, faxes, servers, cell phones, corded phones, stereos, DVD players, small household appliances, ink and toner cartridges, and batteries.

Hazardous Waste - Waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, or so classified by any federal or State of Texas statute, rule, order or regulation.

Holidays - The following days:

- (1) New Year's Day (January 1st)
- (2) Memorial Day
- (3) Independence Day (July 4th)
- (4) Labor Day
- (5) Thanksgiving Day
- (6) Christmas Day (December 25th).

Household Hazardous Waste - Any solid waste generated in a household by a consumer which, except for the exclusion provided in 40 Code of Federal Regulations (CFR) §261.4 (b) (1), would be classified as a hazardous waste under 40 CFR Part 261. The term has the same meaning as "hazardous household waste.

Household Hazardous waste processing, storage or disposal facility - A hazardous waste processing, storage, or disposal facility that has received a United States Environmental Protection Agency (EPA) permit (or a facility with interim status) in accordance with the requirements of 40 Code of Federal Regulations (CFR) Parts 270 and 124, or that has received a permit from a state authorized in accordance with 40 CFR Part 271.

Landfill - Any facility or area of land receiving Municipal Solid Waste or Construction and Demolition Waste and operating under the regulation and authority of the Texas Commission on Environmental Quality (TCEQ) within the State of Texas, or the appropriate governing agency for landfills located outside the State of Texas.

Mobile collection unit - A vehicle (such as a truck or trailer) that is used to aggregate household waste materials delivered by the public prior to transporting the material to a permanent collection center, collection event, or registered hazardous waste transporter facility.

Operator - A person responsible for the collection, aggregation and storage of household hazardous waste and household materials at a collection event or permanent collection center, in a point of generation pick-up service or mobile collection unit, or in any combination of collection programs.

Personnel - All individuals who perform tasks at or oversee the operations of a collection event, permanent collection center, mobile collection unit, or point of generation pick-up service.

Point of generation pick-up service - A service to collect household hazardous waste at generating households through direct contact with the generators or by collection of household hazardous waste left either at curbside or in another location at the household.

Residential Unit - Any residential dwelling that is either a Single-Family Residential Units or a Multi-Family Residential Units such as a duplex. Excluding Multi-family dwellings such as apartments, townhouses, or hi rise units.

Single-Family Residential Unit - A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than one family. A residential unit shall be deemed occupied when domestic water or electric services are being supplied thereto, with the exception that an unoccupied home placed on the market for sale shall not be deemed occupied.

SECTION 2. OPERATIONS.

- A. Scope of Operations. It is expressly understood and agreed that the Service Provider will collect, haul and recycle or dispose of all Household Hazardous Waste (i) generated and accumulated by Residential Units, and (ii) placed for collections by those Residential Units receiving the services of the Service Provider all within the City's corporate limits, including any territories annexed by the City during the term of this Agreement (the Services).
- B. Nature of Operations. The City hereby grants to the Service Provider, in accordance with the City's ordinances and regulations governing the collection, hauling and recycling or disposal of Household Hazardous Waste, the title to all Household Hazardous Waste collected, hauled and recycled or disposed of by the Service Provider over, upon, along and across the City's present and future streets, alleys, bridges and public properties. All title to and liability for materials excluded from this Agreement shall remain with the generator of such materials.
- C. Safety. Service Provider agrees that all prudent and reasonable safety precautions associated with the performance of work set forth or defined in this Agreement are a part of the Household Hazardous Waste collection and disposal techniques for which the Service Provider is solely responsible. In its execution of the obligations under this Agreement, the Service Provider shall use all proper skills and care, as are typical in the industry, and the Service Provider shall exercise all due and proper precautions to prevent injury to any property or person.

SECTION 3. SINGLE-FAMILY RESIDENTIAL UNIT COLLECTIONS.

- A. Single-Family Residential Units. The Service Provider will collect Household Hazardous Waste from Single-Family Residential Units once per week; Items will be collected from the front porch of the home or an area immediately adjacent to the home. i.e. breezeway, at the garage door, driveway. If items are placed at the curb for pickup, Service Provider will collect allowable items and attempt to notify the resident of the preferred collection point.
- B. Materials accepted include the following:
- Aerosol products
 - Ammunition, explosives or fireworks
 - Antifreeze
 - Auto fluids
 - Ballasts (non-PCB & PCB)
 - Batteries - auto, sump, power tool & household sizes
 - Blacktop sealer - oil based
 - Cleaning products
 - Cooking Oil
 - Fire Extinguishers
 - Fluorescent bulbs (tubes and CFLs)
 - Gasoline & oil/gas mixtures
 - HID (headlight bulbs)
 - Hobby & photo chemicals.
 - Lawn chemicals

- Mercury containing Devices (thermostats, etc.)
- Motor oil
- Oxygen tanks
- Paint (Oil-based paints, stains, varnishes; and Latex Paint)
- Pharmaceuticals/medications
- Pool chemicals 160 3
- Propane tanks • Resins, Glues, Adhesives
- Smoke Detectors
- Solvents
- E-Waste

Items not accepted include the following:

- Acetylene cylinders
- Biological or medical waste
- Business generated waste
- Foam cylinders (Part A/Part B)
- MAPP gases
- Radioactive Material
- Syringes/needles
- Farm machinery oil

Item limits per collection per month:

- Fluorescent light bulbs: Minimum 1, Maximum 8
- Used motor oils or antifreeze: Minimum 1 gallon, Maximum 2 gallons
- Paints and supplies; Pool & Household Chemicals: Minimum 1 gallons, Maximum 4 gallons
- Household Cleaners; Pesticides & Fertilizers: Minimum 1 items, Maximum 8 items
- Household Batteries: Minimum 1; Maximum 20
- E-Waste: Minimum 1; Maximum 3, no more than 50 pounds per item

Year Round Scrap Tire Container

- Container to be placed at City facility
- Tires only, wheels and rims must be removed
- Annual maximum of 1000 tires

Two Paper Shredding Events per Year

- Each event consists of two shred trucks
- Events last four hours or until trucks are full
- Event to occur at a City facility

SECTION 4. RATES AND FEES.

Subject to adjustment, as provided in Section 5 hereof, the rates and fees to be charged and received by the Service Provider are as follows:

A. Single-Family Residential Unit Services. For the Services provided to Single-Family Residential Units under Section 4.A. hereof, the Service Provider shall charge:

1. \$0.99 per month for each Single-Family Residential Unit.

These rates apply to all Single Family Residential Units that are located within the City's corporate limits and billed by the City for water and sewer services.

SECTION 5. RATE ADJUSTMENT.

- A. CPI-U Adjustment. Rate adjustment shall be considered by the City to be effective January 1st of the contract year following the first full year of the initial contract. On January 1st of this Agreement, the Service Provider shall have the right, and upon giving 60 days prior written notice to the City, to increase or decrease the rates set forth in Section 4 hereof (the "Initial Rates") in accordance with the CPI-U. As used herein, "CPI-U" shall mean the revised Consumer Price Index rate for all urban consumers (all items included) for the nearest available metropolitan area, based on the latest available figures from the Department of Labor's Bureau of Labor Statistics (the "Bureau"). The CPI-U used will be the CPI-U published by the Bureau during the month ninety (90) days preceding the adjustment under this Section 5A. The amount of the increase or decrease under this Section 5A shall be equal to the percentage that the CPI-U has increased or decreased over the previous twelve (12) month period.

SECTION 6. EXCLUSIONS.

Notwithstanding anything to the contrary contained herein, this Agreement shall not cover the collection, hauling, recycling or disposal of any Non-Hazardous Solid Waste, animal or human, dead animals, auto parts or used tires from any Residential Unit.

SECTION 7. TERM OF AGREEMENT.

The term of this Agreement will be for **five (5) years** from the date services commence subject to performance by the Service Provider per termination language in Section 18. The commencement date of this contract shall be **June 1, 2019**. Service Provider agrees and understands that City is a governmental entity and it has projected costs for this Agreement and City expects to pay all obligations of this Agreement, but all obligations of the City are subject to annual appropriation by the Rockwall City Council in future years. At the expiration of the term of this Agreement, the Agreement may be renewed with mutually agreed upon terms of both parties.

SECTION 8. ASSIGNMENT.

This Agreement shall not be assignable or otherwise transferable by the Service Provider without the prior written consent of the City; provided however that the Service Provider may assign this Agreement to any direct or indirect affiliate or subsidiary of the Service Provider or to any person or entity succeeding to all or substantially all of the Service Provider's assets (whether by operation of law, merger, consolidation or otherwise) without the City's consent.

SECTION 9. PROCESSING, BILLING AND FEES.

- A. Billings for Single-Family Residential Unit Services. On a monthly basis, the City agrees to bill and collect the rates and fees charged under Section 4A. hereto from all Single-Family Residential Units possessing active water meters within the City's corporate limits, as well as from all other Single-Family Residential Units requiring the collection, hauling, recycling and disposal of Household Hazardous Waste within the City's corporate limits (the Residential Billing) plus any applicable sales, use or services taxes assessed or payable in connection with the Services provided hereunder.

B. Taxes. The City will be responsible to collect any applicable sales taxes that result in the execution of this contract.

SECTION 10. HOURS OF SERVICE.

For all the Services provided hereunder, the Service Provider's hours of service shall be between 8:00 a.m. to 6:00 p.m., Monday through Friday. The Service Provider will not be required to provide service on weekends or Holidays except during natural disasters or emergencies, and may, at its sole discretion, observe Holidays during the term of this Agreement; provided however, that the Service Provider shall provide such services on the immediately following business day. Collection will occur on the same day of the week throughout the year unless Service is affected by Holiday then Service Provider must designate an alternate day of that week.

SECTION 11. CUSTOMER SERVICE.

The Service Provider agrees to field all inquiries from Residential Units relating to the collection, hauling, recycling and disposal of Household Hazardous Waste. The Service Provider and the City agree to cooperate with each other in the response to any such inquiries and the resolution of any such complaints. Service Provider shall provide means for residents to call or use the Service Provider's portal to self-schedule a pick up for HHW and/or E-Waste items.

SECTION 12. COMPLIANCE WITH APPLICABLE LAWS.

The Service Provider shall comply with all applicable federal and state laws regarding the collection, hauling, recycling and disposal of Household Hazardous Waste, including existing and future laws that may be enacted, as well as any regulations reasonably passed by the City that are not in derogation of this Agreement. Nothing in this Agreement shall be construed in any manner to abridge the City's right to pass or enforce necessary police and health regulations for the reasonable protection of its inhabitants. The City shall have the right to make reasonable inspections of the Service Provider in order to insure compliance with this Section 12.

SECTION 13. DUE CARE.

The Service Provider shall exercise due care and caution in providing the Services so that the City's public and private property, including streets and parking areas, will be protected and preserved.

SECTION 14. PERSONNEL AND PERFORMANCE STANDARDS.

The Service Provider shall not deny employment to any person on the basis of race, creed or religion, and will insure that all federal and state laws pertaining to salaries, wages and operating requirements are met or exceeded. The Service Provider, its agents, servants and employees shall perform the Services in a courteous, competent and professional manner. During the term of this Agreement and any extension thereof: the Service Provider shall be responsible for the actions of its agents, servants and employees while such agents, servants and employees are acting within the scope of their employment or agency.

SECTION 15. INSURANCE COVERAGE AND BONDS.

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

Coverages:

- (1) Worker's Compensation
- (2) Employer's Liability
- (3) Commercial General Liability

Limits of Liability

Statutory

\$1,000,000

\$1,000,000 per occurrence,

\$2,000,000 in the aggregate,

(4) Automobile Liability

Combined single limit for Bodily Injury and Property Damage Liability

\$1,000,000 per occurrence combined single limit for Bodily Injury and Property Damage Liability

The City shall be named as an additional insured on all the above coverages with the exception of workers compensation insurance. To the extent permitted by law, any or all of the insurance coverage required by this Section 15 may be provided under a plan(s) of self-insurance, including coverage provided by the Service Provider's parent corporation. Upon the City's request, the Service Provider shall furnish the City with a certificate of insurance verifying the insurance coverage required by this Section 15.

SECURITY FOR FAITHFUL PERFORMANCE

Service Provider will be required to furnish a performance bond as security for the faithful performance of this Contract. Said performance bond must be in an amount equal to One Hundred and Fifty Thousand Dollars (\$150,000) for the contract term. The Service Provider shall pay bond premium as described. A certificate from the surety showing that the bond premiums are paid in full shall accompany the bond. Such certificate shall be submitted to the City with the bond on an annual basis. The surety on the bond shall be a duly authorized corporate surety authorized to do business in the State of Texas and such bond shall be in effect for the initial contract term and any approved options.

SECTION 16. INDEMNITY.

To the extent covered by applicable insurance, the Service Provider SHALL FULLY INDEMNIFY AND HOLD HARMLESS THE CITY AND ITS ELECTED OFFICIALS, EMPLOYEES, OFFICERS, DIRECTORS, AGENTS, AND SERVANTS, INDIVIDUALLY OR COLLECTIVELY, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, CAUSES OF ACTION, LIABILITIES, AND SUITS OF ANY KIND AND NATURE, INCLUDING, BUT NOT LIMITED TO, PERSONAL OR BODILY INJURY OR DEATH AND PROPERTY DAMAGE MADE UPON THE CITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO THE SERVICE PROVIDER'S ACTIVITIES UNDER THIS CONTRACT, INCLUDING ANY ACTS OR OMISSIONS OF THE SERVICE PROVIDER, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, CONSULTANT, OR SUBSERVICE PROVIDER OF THE SERVICE PROVIDER, AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, AND REPRESENTATIVES WHILE IN THE EXERCISE OR PERFORMANCE OF THE RIGHTS AND DUTIES UNDER THIS CONTRACT, ALL WITHOUT, HOWEVER, WAIVING GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER

STATE LAW AND WITHOUT WAIVING ANY DEFENSE OF THE PARTIES UNDER STATE LAW. THE PROVISIONS OF THIS INDEMNITY ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTED OR OTHERWISE, TO ANY PERSON OR ENTITY. SERVICE PROVIDER SHALL PROMPTLY ADVISE THE CITY IN WRITING OF ANY CLAIM OR DEMAND AGAINST THE CITY OR THE SERVICE PROVIDER KNOWN TO THE SERVICE PROVIDER RELATED TO OR ARISING OUT OF THE SERVICE PROVIDER'S ACTIVITIES UNDER THIS CONTRACT AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIM OR DEMAND AT THE SERVICE PROVIDER'S COST. THE CITY SHALL HAVE THE RIGHT, AT ITS OPTION AND AT ITS OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING THE SERVICE PROVIDER OF ANY OF ITS OBLIGATIONS UNDER THIS CONTRACT OR PARAGRAPH. SERVICE PROVIDER ASSUMES THE RESPONSIBILITY AND LIABILITY AND HEREBY AGREES TO INDEMNIFY THE CITY FROM ANY LIABILITY CAUSED BY THE SERVICE PROVIDER'S FAILURE TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS, REGULATIONS, AND INDUSTRY STANDARDS. SERVICE PROVIDER ASSUMES THE RESPONSIBILITY AND LIABILITY AND HEREBY AGREES TO INDEMNIFY THE CITY FROM ANY LIABILITY CAUSED BY THE SERVICE PROVIDER'S FAILURE TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS, REGULATIONS, AND INDUSTRY STANDARDS. THE INDEMNIFICATION APPLIES ONLY TO SERVICE PROVIDER'S ACTIONS AND IS NOT INTENDED TO INDEMNIFY ANY ACTS BY THE CITY, INCLUDING ANY ACTS OR OMISSIONS OF THE CITY, ANY AGENT, OFFICER OR EMPLOYEE OF THE CITY. .

SECTION 17. SAVINGS PROVISION.

In the event that any term or provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, this Agreement shall, to the extent reasonably possible, remain in force as to the balance of its terms and provisions as if such invalid term or provision were not a part hereof.

SECTION 18. TERMINATION.

- A. Any failure by either party or its successors and assigns to observe the terms and conditions of this Agreement shall, if continuing or persisting without remedy for more than thirty (30) days after the receipt of due written notice from the other party, constitute grounds for forfeiture and immediate termination of all the defaulting party's rights under this Agreement, and all such rights shall become null and void.
- B. The City reserves the right to declare this Agreement forfeited and to terminate the same and all rights and privileges of the Service Provider hereunder in the event of a material breach of the terms, covenants, or conditions herein set forth. A material breach by the Service Provider shall include, but not be limited to, the following:
 - i. Failure of the Service Provider to provide, as solely determined by the City, the services provided for in this Agreement within ten (10) business days of the receipt of a written demand for performance by the City;
 - ii. Failure of the Service Provider to repair or replace defective equipment, goods, or products within thirty (30) calendar days of receipt of written demand for performance by the City;

- iii. Failure of the Service Provider to repair or replace defective equipment, goods, or products within thirty (30) calendar days of receipt of written demand for performance by the City;
- iv. Conviction of any director, officer, employee, or agent of the Service Provider any felony or misdemeanor of moral turpitude; and
- v. The revocation or denial of solid waste collection and disposal permit(s) through Federal and State Laws and regulations which would prohibit or interfere with the ability to fulfill the requirements of this Agreement.

SECTION 19. FORCE MAJEURE.

The performance of this Agreement may be suspended and the obligations hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond reasonable control of such party. The performance of this Agreement will be suspended and the obligations hereunder excused only until the condition preventing performance is remedied. Such conditions shall include but not be limited to, *acts of God, acts of war, accident, explosion, fire, flood, riot, sabotage, acts of terrorists, unusually severe weather, lack of adequate fuel or judicial or governmental laws or regulations.*

SECTION 20. GOVERNING LAW.

This Agreement shall be governed in all respects including as to validity, interpretation and effect, by the internal laws of the State of Texas, without giving effect to the conflict of laws rules thereof. The parties hereby irrevocably submit to the jurisdiction of the courts of the State of Texas and the Federal courts of the United States located in the State of Texas, solely in respect of the interpretation and enforcement of the provisions of this Agreement, and hereby waive, and agree not to assert as a defense in any action, suit or proceeding for the interpretation or enforcement hereof: that it is not subject thereto or that such action suit or proceeding may not be brought or is not maintainable in said courts or that the venue thereof may not be appropriate or that this Agreement may be enforced in or by said courts, and the parties hereto irrevocably agree that all claims with respect to such action or proceeding shall be heard and determined in such a Texas State or Federal court. The parties hereby consent to and grant any such court jurisdiction over the person of such parties and over the subject matter of any such dispute and agree that mailing of process or other papers in connection with any such action or proceeding to the addresses of the parties listed below, or in such other manner as may be permitted by law, shall be valid and sufficient service thereof.

SECTION 21. NOTICES.

Any notices required or permitted to be delivered hereunder shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid- certified mail, return receipt requested, addressed to the respective party at the address set forth below.

If to the City:
City of Rockwall
385 S. Goliad Street

Rockwall, Texas 75087
Attn: City Manager

If to the Service Provider:
HHW Solutions
1240 Coastal
Rockwall, Texas 75087
Attn: Dick Demien

With a Copy to:
HHW Solutions
4090 Hackberry Cir
Caddo Mills, Texas 75135
Attn: Tim Oliver

or such other addresses as the parties may hereafter specify by written notice and delivered in accordance herewith.

SECTION 22. ATTORNEYS' FEES.

The prevailing party in any dispute between the parties arising out of the interpretation, application or enforcement of any provision hereof shall be entitled to recover all of its reasonable attorneys' fees and costs whether suit be filed or not including without limitation costs and attorneys' fees related to or arising out of any trial or appellate proceedings.

SECTION 23. MEDIATION

If a dispute arises out of or relates to this Agreement or the breach thereof, the Parties shall first in good faith seek to resolve the dispute through negotiation between the upper management of each respective Party. If such dispute cannot be settled through negotiation, the Parties agree to try in good faith to settle the dispute by mediation under the Commercial Mediation Rules of the American Arbitration Association, Dallas, Texas, before resorting to litigation, or some other dispute resolution procedure; provided that a Party may not invoke mediation unless it has provided the other Party with written notice of the dispute and has attempted in good faith to resolve such dispute through negotiation. Notwithstanding the foregoing, any Party may seek immediate equitable relief, without attempting to settle a dispute through mediation, in any case where such Party is entitled to equitable relief by law, the terms of the Agreement, or otherwise. All costs of negotiation, mediation, and arbitration collectively known as alternate dispute resolution ("ADR") shall be assessed equally between the City and Service Provider with each party bearing their own costs for attorneys' fees, experts, and other costs of ADR and any ensuing litigation.

SECTION 24. AMENDMENTS

It is understood by the parties that this Agreement constitutes the entire agreement between the parties. It is hereby understood and agreed by the parties to this Agreement that no alterations or variations to the terms of this Agreement, including all addendums hereto, shall be effective unless made in writing, approved and signed by both parties.

SECTION 25. ACCEPTANCE.

PASSED AND APPROVED BY THE CITY OF ROCKWALL COUNCIL MEETING AT A TIME AND PLACE IN COMPLETE CONFORMITY WITH THE OPEN LAWS OF THE STATE OF TEXAS AND ALL OTHER APPLICABLE LAWS THIS DAY OF _____, 2019.

**DOLIVER ENTERPRISES, LLC
DBA HHW SOLUTIONS**

CITY OF ROCKWALL, TEXAS

By: *Tiffany Demien*
Name: *Tiffany Demien*
Title: *Owner HHW Solutions*

By: *Richard R Crowley*
Name: *Richard R Crowley*
Title: *City Manager*

ATTEST:
By: *Lea Ann Ewing*
Name: *Lea Ann Ewing*
Title: *Purchasing Agent*

ATTEST:
By: *Laura Perez*
Name: *Laura Perez*
Title: *Executive Secretary*

**ADDENDUM #1
TO THE AGREEMENT FOR**

**THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF
HOUSEHOLD HAZARDOUS WASTE IN THE CITY OF ROCKWALL, TEXAS**

This addendum pursuant to Section 24. Amendments of the original Agreement is an integral part of the Agreement and must be signed and returned as acknowledgement to the changes affecting the original Agreement dated April 2019 attached hereto.

The purpose of this addendum is to incorporate the following changes and or clarifications to the Agreement:

1. **Section 5. Rate Adjustment: A. CPI-U Adjustment.** Rate adjustment shall be considered by the City to be effective January 1st of the second contract year (2022) following the second full year of the initial contract Agreement.
2. **Section 15. Insurance Coverage and Bonds - Security for Faithful Performance:** The requirement of a Performance Bond has been waived.

All other terms and conditions of the original Agreement remain unchanged.

Acceptance:

DOLIVER ENTERPRISES, LLC
DBA HHW SOLUTIONS

CITY OF ROCKWALL, TEXAS

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

ATTEST:

ATTEST:

By: _____

By: _____

Name: _____

Name: _____