



# City of Rowlett

## Meeting Agenda

### City Council

4000 Main Street  
Rowlett, TX 75088  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.*

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Tuesday, November 15, 2016

5:30 P.M.

Municipal Building – 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. **CALL TO ORDER**
2. **EXECUTIVE SESSION (5:30 P.M.)**
  - 2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Legal Consultation) to receive legal advice from the City Attorney regarding legal issues pertaining to solid waste collections and the Waste Management Contract. (30 minutes)
3. **WORK SESSION (6:00 P.M.)** \* Times listed are approximate.
  - 3A. Discuss the identification of public service projects and allocation of associated funds under the Community Development Block Grant Program and Substantial Amendments to the Plan. (45 minutes)
  - 3B. Discuss Drainage Fees/Stormwater Utility Program. (40 minutes)
4. **DISCUSS CONSENT AGENDA ITEMS**

**CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**TEXAS PLEDGE OF ALLEGIANCE**  
*Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*
5. **PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

**6. CITIZENS' INPUT**

*At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.*

**7. CONSENT AGENDA**

*The following may be acted upon in one motion. A City Councilmember or a citizen may request items be removed from the Consent Agenda for individual consideration.*

- 7A.** Consider action to approve minutes from the November 1, 2016 City Council Regular Meeting.
- 7B.** Consider an ordinance vacating, abandoning and quit claiming 0.0399 +/- acres of land at the western corner of Liberty Grove Road and Princeton Road in favor of the abutting property owner (East Dallas Church of God) for the purpose of cleaning up a remnant tract of land left over from a County of Dallas right-of-way.
- 7C.** Consider action to approve an ordinance amending the Code of Ordinances Chapter 6, Article I "Animal Nuisance" to clarify what constitutes an animal nuisance violation, and to amend impoundment regulations in conformity to a recent Texas Supreme Court case.

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Conduct a public hearing and take action on a request for a Major Warrant pertaining to landscaping requirements for three caliper inches for the Homestead at Liberty Grove located at the northern terminus of Chiesa Road, north of Liberty Grove Road, further described as being 35.315 +/- acres out of the James M. Hamilton Survey, Abstract No. 544, City of Rowlett, Dallas County, Texas.
- 8B.** Conduct a public hearing and take action on a request for an amendment to an existing Planned Development District to allow a commercial office center use by way of Special Use Permit (SUP), in a portion of the PD district that retains an underlying zoning of Limited Commercial/Retail (C-1), for property located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.
- 8C.** Consider and take action regarding a request to allow an alternate building material, specifically, steel posts for carport roofing, for Lone Star Storage located at 2817 Main Street, further described as being Lot 2, Block A, Four Square Addition, City of Rowlett, Dallas County, Texas.
- 8D.** Conduct a public hearing and consider an ordinance granting a Special Use Permit to allow an accessory building (residential greenhouse) for property located at 5605 Edgewater Circle further described as being Lot 10, Block A of the Wimbledon on the Lakes Subdivision, City of Rowlett, Dallas County, Texas.

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

**9. ADJOURNMENT**

*Laura Hallmark*

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Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website ([www.rowlett.com](http://www.rowlett.com)) on the 11<sup>th</sup> day of November 2016, by 5:00 p.m.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
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**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 2A

**TITLE**

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Legal Consultation) to receive legal advice from the City Attorney regarding legal issues pertaining to solid waste collections and the Waste Management Contract. (30 minutes)



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**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 3A

**TITLE**

Discuss the identification of public service projects and allocation of associated funds under the Community Development Block Grant Program and Substantial Amendments to the Plan. (45 minutes)

**STAFF REPRESENTATIVE**

Marc Kurbansade, AICP, Director of Development Services

**SUMMARY**

On August 2, 2016, City Council voted to transmit the Community Development Block Grant (CDBG) 2016 Annual Plan and the 2016-2020 Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). During this meeting, there was discussion regarding the reallocation of funds to different projects. The result was the documents were transmitted in their then-current form with direction to return to City Council for direction on reallocation of funds.

City Council discussed the Substantial Amendment to the CDBG Annual Plan and Consolidated Plan on November 8, 2016. As a result of the direction of City Council at this meeting, operational funds will become available to consider public service projects. This meeting will discuss the priorities of City Council regarding those public service projects.

**BACKGROUND INFORMATION**

On May 3, 2016, staff held a discussion with City Council regarding the potential allocation of funds for the upcoming CDBG plan year. The main purpose of this discussion was to present the program's administrative costs being covered both from CDBG funds as well as the general fund. During this meeting staff was provided direction to further research the cost implications and other potential options for the upcoming City Council strategic planning session.

On July 8-9, 2016, City Council participated in a two-day strategic planning session. On July 8, part of the discussion focused on the allocation of CDBG funds. City Council asked staff to research infrastructure projects that might be able to be funded by CDBG funds. At this meeting City Council was also interested in exploring the option of administering a housing rehabilitation program apart from the CDBG program. Therefore, the funds that otherwise would have been used for an infrastructure project could now be funded by CDBG thus providing funds for administering a housing rehabilitation program.

On August 2, 2016, City Council voted to transmit the CDBG 2016 Annual Plan and the 2016-2020 Consolidated Plan to the U.S. Department of Housing and Urban Development HUD. At the meeting, additional comments from City Council focused on some of the CDBG funds also being

used for disaster response purposes. The plan was transmitted as presented with the understanding that a Substantial Amendment to the plan would be forthcoming to ultimately discuss funding allocation.

On November 8, 2016, City Council provided direction to staff to pursue a Substantial Amendment to the Annual Plan and Consolidated Plan. This amendment would reallocate the remaining CDBG funds, less those identified for Public Services projects, to a public facilities project. That amendment would be considered by City Council at the January 3, 2017, meeting.

### **DISCUSSION**

The purpose of this item is to continue the discussion from the November 8, 2016 City Council Work Session. At this meeting, a number of public services projects will be evaluated for potential funding from the City. At this time, the funding available for this discussion is \$241,878. Staff will seek consensus from City Council on allocation of this funding to potential recipients.

### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

### **RECOMMENDED ACTION**

Provide direction to staff regarding recipients for funding.



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**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 3B

**TITLE**

Discuss Drainage Fees/Stormwater Utility Program. (40 minutes)

**STAFF REPRESENTATIVE**

Jim Proce, Assistant City Manager  
Tyson Thompson, Assistant City Engineer

**SUMMARY**

The purpose of this item is to discuss the Drainage Utility Fee, to update City Council on the current progress on the planned direction and to confirm Council consensus on the program.

In Texas, municipalities are authorized to implement a stormwater utility fee by Local Government Code 552, Subchapter C (Municipal Drainage Utility Systems Act). The Act allows municipalities to establish a service fee for users of the municipal storm system, provided the basis for the fee is "directly related to drainage" [LGC55.047(a)] and the fee is "*reasonable, equitable, and non-discriminatory.*" [LGC552.045(b)(3)].

**BACKGROUND INFORMATION**

The Drainage Utility program was adopted on March 19, 2002 by Ordinance 3-19-02E, Article IV. Section 70-281 through 70-299. The established fee is based upon water meters servicing occupied properties. The bills are collected through the Utility billing process which ensures reliable collection.

This issue was brought for discussion to Council in March of 2015. At that time the direction was to proceed with the study to implement a structure that was aligned with the Municipal Drainage Utility Systems Act. The Council previously agreed by consensus to proceed with aligning the billing structure with the State initiatives, align implementation with the calendar year, which was delayed for 2016 for obvious reasons, and to move forward but delay rate structure discussions to a later date.

The current Drainage Utility Fund provides for several components of the various stormwater related programs, inclusive of staff, supplies, capital improvements, debt service, and administrative & overhead transfers.

There are many outstanding unmet needs in the stormwater system. In the Stormwater study of 2006, there were over 230 identified projects and needs. Of these projects identified since the initial study, the City has addressed approximately 75 of these projects in the last decade, yet many projects remain unfunded and unaddressed. The initial cost to address all needs in the

2006 study is estimated at over \$40 million and growing. Staff will be working on updating the content of the 2006 study with the intent of publishing a revision. When the evaluation is complete, identified projects and action plans will be integrated into the Capital Improvement Plan and future budgets based upon the most urgent needs and ongoing commitments to the National Pollution Discharge Elimination System (NPDES) and the Municipal Separate Storm Sewer System (MS4) requirements.

## **DISCUSSION**

The City currently operates a stormwater utility that assesses a monthly fee per water meter.

Staff has reviewed the current structure for the existing drainage fee and is proposing a revision to that structure providing an opportunity to meet several goals in the process as follows:

1. Provides a more equitable rate structure that would be based upon the proportionate impervious area (Impervious area by definition results in stormwater runoff);
2. Provides better alignment with the State definition to be reasonable, equitable, and non-discriminatory;
3. Generates additional revenue to fund the stormwater program and its related mandates;
4. Establishes strategic initiatives with regard to city-wide stormwater needs, which may include a tiered residential system of billing, funding of components of the stormwater master plan, and potential credits to encourage best management practices with regard to stormwater practices;
5. Apportions existing components of current operations to this revenue source potentially offsetting expenses not currently covered by the Drainage Utility Fund;
6. Ensures that all components of the Municipal Separate Storm Sewer System (MS4) permit are adhered to and meet the requirements of the NPDES, remaining adequately funded while meeting all of the prescribed goals.

Approximately \$1.3M revenue is currently generated on an annual basis by the water meter-based stormwater utility fee structure. Residential properties account for approximately \$1.2M, or roughly \$100K per month, and commercial properties account for approximately \$99K or roughly \$8K per month. According to the City's Master Fee Schedule, each residential metered account is assessed a fee of \$5.50 per month, and each nonresidential metered account is assessed a fee of \$13.50 per month (per meter) regardless of the property size or the amount of impervious area on the site.

Staff has engaged Freese and Nichols, Inc. (FNI) to assist in the analysis of the impervious surfaces in aggregate. FNI conducted an analysis of the potential effect on overall system revenues to adjust to a fee based on impervious area instead of water meter based system. The modified fee structure based on impervious area is assumed to maintain the same monthly rate of \$5.50 per residential property, with commercial properties now also being assessed a monthly rate of \$5.50 per equivalent residential unit (ERU) of impervious area solely for the purposes of providing for this discussion.

An ERU is defined in this evaluation as the average impervious area in the City. Based on a representative sample of 100 randomly selected properties within the City limits, an ERU in Rowlett is calculated to be 4,000 square feet of impervious area.

If the revenue structure is designed around the impervious area basis, it better meets the State requirement of being “reasonable, equitable, and non-discriminatory.” This revenue structure ensures that the impacts to the stormwater system are dealt with within the state law, address equitable distribution of the impacts to the system and results in an augmentation of the existing potential revenue source consistent with practices in other cities and regions.

When comparing the difference between the existing water meter based structure and the potential impervious area based structure, the difference in potential revenue and the equitable distribution of impacts could yield an additional \$300,000 a year in potential revenue to help fund unmet needs.

Other considerations for this initiative include:

- Potential changes in the base rate of the ERU. This will be based upon program needs and Council approval of the proposed rates.
- Potential costs for actual program needs weighing the capital and maintenance components of the drainage activities budget.
- Development of an equitable appeals process for any billing or methodology conflicts that occur within the measurements of the impervious areas (specifically for non-residential properties.)

The next steps are:

- draft a revision to the current ordinance for adoption and implementation;
- develop process to capture new development as it occurs;
- engage a public outreach campaign to educate the public on the revision to the plan.

## **FINANCIAL/BUDGET IMPLICATIONS**

There is no financial impact at this time; however, if the City adopts the proposed rate structure, the City could realize an increase in revenues of approximately \$300,000 annually. Staff will bring any required actions back before Council for formal approval.

## **RECOMMENDED ACTION**

Staff seeks consensus on direction with regard to the following:

- Is there consensus from Council on Option A or B regarding revenue neutrality?
  - Option A – Adopt the ERU standards maintaining the current residential fee structure of \$5.50 per month that would generate about \$300,000 more per year.
  - Option B – Adopt the ERU standards and lower the current residential fee structure of \$5.50 per month to match the current total fee revenue of about \$1.3 million annually.
- Is there consensus from Council on Option A or B regarding implementation?

- Option A – Implement the new fee structure beginning on October 1, 2017 after appropriate community education.
  - Option B – implement the new fee structure earlier (i.e. April 1, 2017 or July 1, 2017) after appropriate community education.
- Is there consensus from Council on Option A or B regarding agency exemptions (City, ISDs, and church properties)?
  - Option A – Exempt City, GISD/RISD, and church properties reducing annual revenues by about \$125,000.
  - Option B – Do not exempt City, GISD/RISD, and church properties.



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**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 5A

**TITLE**

Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager



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**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 7A

**TITLE**

Consider action to approve minutes from the November 1, 2016 City Council Regular Meeting.

**STAFF REPRESENTATIVE**

Laura Hallmark, City Secretary

**SUMMARY**

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
  - (1) state the subject of each deliberation; and
  - (2) indicate each vote, order, decisions or other action taken.

**RECOMMENDED ACTION**

Move to approve, amend or correct the minutes for the November 1, 2016 City Council Meeting.

**ATTACHMENTS**

11-01-2016 City Council Meeting



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
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Tuesday, November 1, 2016

5:15 P.M.

Municipal Building – 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Present: Mayor Gottel, Mayor Pro Tem Dana-Bashian, Deputy Mayor Pro Tem Sheffield, Councilmember van Bloemendaal, Councilmember Bobbitt, Councilmember Brown and Councilmember Hargrave**

**1. CALL TO ORDER**

Mayor Gottel called the meeting to order at 5:18 p.m.

**2. EXECUTIVE SESSION**

No items for this session.

**3. WORK SESSION (5:15 P.M.)** \* Times listed are approximate.

**3A.** Presentation of Year-End Update from the City Manager for FY2016. (35 minutes)

Brian Funderburk, City Manager, provided the annual update.

Councilmember Bobbitt arrived at 5:29 p.m.

Councilmember Hargrave arrived at 5:32 p.m.

Councilmembers provided comments – thanking employees for their hard work and perseverance this last year, especially through the Kids Kingdom rebuild and then the work through the aftermath of the tornado immediately afterwards. They thanked the citizens of Rowlett and commented about being proud of Rowlett as a community and how everyone came together. Lastly, the Mayor thanked Mr. Funderburk for his leadership.

**3B.** Discuss Council sponsored public meetings. (15 minutes)

Mayor Gottel led the discussion regarding hosting meetings advertised as the entire Council versus individual Councilmembers and utilizing City facilities.

- 3C.** Discuss the final Phase I plan of Schrade Bluebonnet Park and the placement of the tornado memorial sculpture. (35 minutes)

Angie Smith, Director of Parks and Recreation, presented the final phase of the park. It was the consensus of Council to proceed with the value engineered design and to use the park pro-rata funding for Phase I. Council opted to delay a decision on the full park Master Plan. Ms. Smith also reviewed the plans for the tornado Memorial Event to be held on December 26<sup>th</sup> at the Park location. It will serve as a groundbreaking event for the park and will feature unveilings of the park design and the tornado memorial sculpture design.

- 3D.** Discuss Council participation in Leadership North Texas. (15 minutes)

Mayor Gottel led the discussion recommending Councilmember participating in the program. Mayor Pro Tem Dana-Bashian and Councilmember Bobbitt, former program participants offered their insight as well. Laura Hallmark, City Secretary, commented that Council budgets for the participation of two Councilmembers each year and that applications will be accepted beginning in January.

- 3E.** Discuss ideas of a “signature/identity” event for the City of Rowlett. (30 minutes) [THIS ITEM WILL OCCUR AFTER THE REGULAR COUNCIL SESSION]

Ms. Smith presented the recommendations for this item. It was the consensus of Council, based on the recommendation of the special events committee, to focus on developing the Main Street Fest event as a future “signature/identity” event. There was also consensus to utilize the level of funding budgeted to eliminate the fireworks, add several themed events, and to continue participation with the Noon Exchange Club’s parade.

**4. DISCUSS CONSENT AGENDA ITEMS**

Councilmember Bobbitt requested that item 7B be pulled for individual consideration.

Council adjourned the Work Session at 7:01 p.m.

**ABOVE & BEYOND RECOGNITION RECEPTION 7:00 – 7:30 P.M.**

Council reconvened in the Regular Session at 7:31 p.m.

**INVOCATION** – Councilmember Bobbitt

**PLEDGE OF ALLEGIANCE** – Led by the City Council  
**TEXAS PLEDGE OF ALLEGIANCE**

**5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Presentation of plaques by Mayor Todd Gottel and City Manager Brian Funderburk to employees recognized throughout the year for "Above and Beyond" Customer Service.

Brian Funderburk, City Manager, and Mayor Gottel presented the plaques to the employees who were present. Those recognized were:

Tyler Baker	Scott Martinez
Ed Balderas	Wes Moore
Claude Causey	Franco Rico
Evan Clark	Patricia Saenz
Martin Donk	Mary Lynn Saxton
Josh Hutchins	

**5B.** Recognition of Brandon Motes for being named a National Merit Scholarship Semifinalist.

Mayor Pro Tem Dana-Bashian presented Brandon with a Certificate of Recognition.

**5C.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

Mayor Gottel announced the following:

**COUNCIL MEETINGS**

- SPECIAL COUNCIL MEETING ON NOVEMBER 8<sup>TH</sup>
- NEXT REGULAR COUNCIL MEETINGS WILL BE NOVEMBER 15<sup>TH</sup>

**P & Z MEETINGS**

- NEXT MEETING WILL BE HELD ON TUESDAY, NOVEMBER 8<sup>TH</sup> AND 22<sup>ND</sup> AT 6:30PM IN THE CITY HALL CONFERENCE ROOM

**EARLY VOTING CONTINUES THROUGH FRIDAY, NOVEMBER 4<sup>TH</sup>**

\*\*\*\* PARKING WILL BE AT A PREMIUM DURING EARLY VOTING AT THE CITY HALL PARKING LOT AND DOWNTOWN STREETS DUE TO CONSTRUCTION OF THE VILLAGE OF ROWLETT. PARKING ASSISTANCE WILL BE PROVIDED BY OUR VOLUNTEERS IN POLICE SERVICE (VIPS) TO HELP DURING PEAK TIMES \*\*\*\*

- THE EARLY VOTING SITE IN ROWLETT FOR DALLAS COUNTY ROWLETT REGISTERED VOTERS WILL BE AT ROWLETT CITY HALL ANNEX LOCATED AT [4004 MAIN STREET](#) IN ROWLETT. ADDITIONAL EARLY VOTING LOCATIONS AND TIMES CAN BE VIEWED AT [DALLAS COUNTY ELECTIONS](#).
  - MONDAY, OCTOBER 31 THROUGH FRIDAY, NOVEMBER 4 - 7:00 AM TO 7:00 PM
- THE EARLY VOTING SITE IN ROWLETT FOR ROCKWALL COUNTY ROWLETT REGISTERED VOTERS (PRECINCTS 1A AND 2B) WILL BE AT CULLINS LAKE POINTE ELEMENTARY LOCATED AT [5701 SCENIC DRIVE](#) IN ROWLETT. ADDITIONAL EARLY VOTING LOCATIONS AND TIMES CAN BE VIEWED AT [ROCKWALL COUNTY ELECTIONS](#).
  - MONDAY, OCTOBER 31 THROUGH WEDNESDAY, NOVEMBER 2 - 8:00 AM TO 5:00 PM
  - THURSDAY, NOVEMBER 3 THROUGH FRIDAY, NOVEMBER 4 - 7:00 AM TO 7:00 PM

## ROWLETT LIBRARY

- IN OBSERVANCE OF THANKSGIVING, THE LIBRARY WILL CLOSE AT 6 PM ON WEDNESDAY, NOVEMBER 23<sup>RD</sup> AND WILL REOPEN ON SATURDAY, NOVEMBER 26<sup>TH</sup>.
- YOUTH PROGRAMS
  - THE YOUNG AND THE RESTLESS STORY TIME FOR BABIES
    - TUESDAYS, NOVEMBER 1<sup>ST</sup>, 8<sup>TH</sup>, 15<sup>TH</sup> & 29<sup>TH</sup> AT 10AM & 10:30AM AT 5702 ROWLETT ROAD
  - GIGGLE WIGGLE STORY TIME FOR TODDLERS
    - WEDNESDAYS, NOVEMBER 2<sup>ND</sup>, 9<sup>TH</sup>, 16<sup>TH</sup> & 30<sup>TH</sup> AT 10AM & 10:30AM AT 5702 ROWLETT ROAD
  - WHATEVER ON WEDNESDAYS (WOW) FOR TEENS
    - WEDNESDAYS, NOVEMBER 2<sup>ND</sup>, 9<sup>TH</sup>, 16<sup>TH</sup> & 30<sup>TH</sup> AT 4:30PM AT 5702 ROWLETT ROAD
  - LOVE ON A LEASH
    - WEDNESDAY, NOVEMBER 9<sup>TH</sup> AT 3:30PM AT CITY HALL, 4000 MAIN STREET
    - CALL OR SIGN UP AT THE LIBRARY SERVICE DESK TODAY AT 972-412-6161
  - SHAKE, RATTLE & READ! STORY TIME FOR PRESCHOOLERS
    - THURSDAYS, NOVEMBER 3<sup>RD</sup>, 10<sup>TH</sup> & 17<sup>TH</sup> AT 10AM & 10:30AM AT 5702 ROWLETT ROAD
  - CRAZY 8S MATH CLUB
    - THURSDAYS, NOVEMBER 3<sup>RD</sup>, 10<sup>TH</sup> & 17<sup>TH</sup> AT 4:30 PM AT 5702 ROWLETT ROAD
  - FAMILY STORY TIME
    - SATURDAY, NOVEMBER 5<sup>TH</sup> AT 2PM AT 5702 ROWLETT ROAD
    - NOVEMBER'S THEME FOR FAMILY STORY TIME IS GRATITUDE
  - FANTASTIC BEASTS AND WHERE TO FIND THEM
    - SATURDAY, NOVEMBER 19<sup>TH</sup> AT 2PM AT 5702 ROWLETT ROAD
    - A SPECIAL PROGRAM WILL CELEBRATE THE RELEASE OF THE NEW MOVIE IN THE HARRY POTTER BOOK SERIES, FANTASTIC BEASTS AND WHERE TO FIND THEM
    - MAKE YOUR OWN COLLECTION OF FANTASTIC BEASTS TO TAKE HOME USING ORIGAMI OR RUBBER BANDS OR OTHER CRAFT MATERIALS. ALL MATERIALS, INCLUDING "SUITCASE", PROVIDED
- ADULT PROGRAMS
  - ESL CONVERSATION CLASS
    - TUESDAYS AT 10AM AT 5702 ROWLETT ROAD
    - PRACTICE ENGLISH IN A RELAXED CONVERSATION GROUP. ALL LANGUAGES AND SKILL LEVELS WELCOME!
  - RECIPE SWAP
    - SATURDAY, NOVEMBER 12<sup>TH</sup> AT 2PM AT 5702 ROWLETT ROAD
    - STUFF YOUR FIENDS AND FAMILY WITH SOMETHING NEW THIS HOLIDAY SEASON! BRING YOUR FAVORITE RECIPES AND WE'LL COPY THEM FOR OTHER MEMBERS OF THE GROUP. JOIN US AND SHARE YOUR NEW PIE RECIPE OR DISCOVER SHORTCUTS FOR TRADITIONAL DISHES. BE PREPARED TO DEVOUR SOME YUMMY SAMPLES PROVIDED BY THE LIBRARY STAFF.
  - KNITTING CLUB
    - TUESDAY, NOVEMBER 15<sup>TH</sup> AT 7PM AT 5702 ROWLETT ROAD
    - KNITTERS OF ALL SKILL LEVELS WELCOME

- GED TUTORING
  - TUTORING WILL BE OFFERED ON MONDAY AND WEDNESDAY EVENINGS FROM 7:00 TO 8:30 P.M. AT THE ROWLETT COMMUNITY CENTRE, 5300 MAIN STREET. TO SIGN UP FOR CLASSES OR TO BECOME A TUTOR, PLEASE CALL OR STOP BY THE LIBRARY.
- ENGLISH AS A SECOND LANGUAGE (ESL) CLASSES
  - BEGINNING AND ADVANCED LEVEL INSTRUCTION IS PROVIDED AND STUDENTS OF ALL LANGUAGES ARE WELCOME. PLEASE REGISTER BY CALLING 972 412-6161 OR IN PERSON AT ROWLETT PUBLIC LIBRARY, 5702 ROWLETT RD.

#### PARKS AND RECREATION

- VETERANS DAY CEREMONY
  - FRIDAY, NOVEMBER 11<sup>TH</sup> AT 11AM AT THE ROWLETT COMMUNITY CENTRE LOCATED AT 5300 MAIN STREET.
  - JOIN US AT THE ROWLETT COMMUNITY CENTRE AS WE RECOGNIZE AND HONOR OUR LOCAL VETERANS. VETERANS DAY IS A TIME WHEN THE COMMUNITY GATHERS TOGETHER TO GIVE THANKS TO THOSE WHO HAVE DEDICATED AND SERVED THEIR COUNTRY.
  - PLEASE GATHER WITH YOUR COMMUNITY AT THE ROWLETT COMMUNITY CENTRE TO SHOW YOUR SUPPORT AND APPRECIATION TO THOSE WHO HAVE MADE THE SACRIFICES FOR OUR FREEDOM.
  - IN THE CASE OF INCLEMENT WEATHER, THE VETERANS DAY CEREMONY WILL BE MOVED INSIDE THE ROWLETT COMMUNITY CENTRE.

#### PROPERTY OF THE SEASON AND LONE STAR SMART YARD

- TWO NEW NEIGHBORHOOD BEAUTIFICATION AWARDS DEBUT:
- PRESENTED TO THOSE WHO GO “ABOVE AND BEYOND” IN THEIR EFFORTS TO MAINTAIN THEIR PROPERTY!
- PROPERTY OF THE SEASON WILL BE CHOSEN IN JANUARY, APRIL, JUNE AND OCTOBER, WITH A SPECIAL “LIGHT UP ROWLETT” HOLIDAY AWARD IN DECEMBER
- FOR ALL DETAILS AND SUBMISSION FORMS GO TO ROWLETT.COM

#### FREE ELECTRONIC RECYCLING & DOCUMENT SHREDDING - SATURDAY, NOVEMBER 5

- KEEP ROWLETT BEAUTIFUL SPONSORS THIS EVENT, ALLOWING US TO GET RID OF OLD ELECTRONICS CLUTTERING UP OUR HOMES IN AN ENVIRONMENTALLY SAFE MANNER. DOCUMENT SHREDDING IS ALSO OFFERED, 3 BOXES FREE, LIMIT OF 4 MORE @ \$3 EACH. 9AM-1PM AT ROWLETT HIGH SCHOOL.
- FOR MORE INFORMATION LOG ONTO: [KEEPROWLETTBEAUTIFUL.ORG](http://KEEPROWLETTBEAUTIFUL.ORG)

#### ANIMAL SHELTER

- SATURDAY, OCTOBER 22<sup>ND</sup>, 10AM – 5PM
- LOCATED AT 4402 INDUSTRIAL ST.
- SHELTER IS OPEN MONDAY – SATURDAY, 10AM – 5PM

Councilmember van Bloemendaal announced a large donation of toys was received specifically for those families affected by the tornado and there will be an event scheduled for distribution on December 17<sup>th</sup> from 10 a.m. – 2 p.m. All details have not yet been finalized, but further information can be found on the Facebook page titled “Let’s Make it a Great Christmas.”

Mayor Pro Tem Dana-Bashian announced there is a collection taking place for tornado affected homes to help make their holidays bright with holiday decorations. Desired items include new outdoor lights and decorations, Christmas Trees, greenery, ornaments, wreaths, stockings and other décor to help brighten the holiday season. Donation Locations and Times:

Church in the City Relief Center,  
6005 Dalrock, Rowlett (corner of Dalrock and Hwy 66)  
Tues/Wed/Thurs: 2:00-7:00pm

Tornado Relief Center  
4813 Rowlett Rd., Rowlett  
Tues: 5-7pm, Sat: Noon-2:00pm

Sharing Life Community Center (next to Lakepointe Church in Mesquite)  
3544 E Emporium Circle, Mesquite  
M/T/W/F: 9am-5pm, Thurs: 9am-7pm, and Sat: 9am-Noon

## 6. CITIZENS' INPUT

There were no speakers.

## 7. CONSENT AGENDA

- 7A. Consider action to approve minutes from the October 11, 2016 City Council Special Work Session and the October 18, 2016 City Council Meeting.

**This item was approved on the Consent Agenda.**

- 7B. Consider action to approve a resolution for the continued maintenance of Tyler Technologies, Incorporated software as provided in the annual Information Technology budget and authorizing the City Manager to execute the necessary documents to continue said services.

**This item was pulled for Individual Consideration.**

Joe Beauchamp, Chief Information Officer, presented the background information for this item.

**A motion was made by Mayor Pro Tem Dana-Bashian, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as RES-114-16.**

- 7C. Consider a resolution awarding a bid to APAC-Texas, Incorporated for the purchase of hot mix asphalt in the unit amounts bid and an annual amount not to exceed \$120,000 through the Interlocal Cooperative Purchasing Agreement with Dallas County for road materials for the Public Works Department and authorizing the Mayor to execute the necessary documents for said materials.

**This item was approved as RES-115-16 on the Consent Agenda.**

- 7D.** Consider action to approve a resolution authorizing the City of Rowlett to enter into a five year agreement with TASER International for the purchase of 80 X26P Taser Units for a total cost of \$143,824.00, and authorizing the City Manager to execute the necessary documents to purchase said equipment.

**This item was approved as RES-116-16 on the Consent Agenda.**

#### **Passed the Consent Agenda**

**A motion was made by Deputy Mayor Pro Tem Sheffield, seconded by Councilmember Bobbitt, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.**

#### **8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Conduct a public hearing and consider an ordinance approving rezoning from the New Neighborhood Form Based Zoning District (NN-FB) to the Urban Neighborhood Form Based Zoning District (UN-FB) for subject property located within the Bayside area, near at 2192 Fuqua Road, further described as being 20.000 +/- acres in the Charles D Merrell Survey, Abstract #957, and the William Crabtree Survey, # 346, in the City of Rowlett, Dallas County, Texas.

Daniel Acevedo, Urban Planner, presented the information for this item. Applicant, Jon Van De Voorde, presented additional information and clarification regarding street and building layout. The public hearing opened and closed with no speakers.

**A motion was made by Deputy Mayor Pro Tem Sheffield, seconded by Councilmember Brown, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as ORD-041-16.**

- 8B.** Consider action to approve the purchase of a Protech Tactical Plate Carrier, Protech 2120-III Rifle Plates, Delta 4MC Ballistic Helmet, Combat Application Tourniquet, Condor Double Kangaroo Mag Pouch, and a Centurion Duffel Bag for each sworn police officer, from GT Distributors, for a total cost of \$86,779.58.

Mike Brodnax, Police Chief, presented the information for this item. Lt. Dan Miller brought the proposed items for purchase to demonstrate for the Councilmembers.

**A motion was made by Mayor Pro Tem Dana-Bashian, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as RES-117-16.**

After a short break at 9:13 p.m., Council reconvened in the Work Session at 9:21 p.m. to discuss Item 3E.

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

**9. ADJOURNMENT**

Mayor Gottel adjourned the meeting at 10:17 p.m.



## City of Rowlett

### Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/15/2016

**AGENDA ITEM:** 7B

#### **TITLE**

Consider an ordinance vacating, abandoning and quit claiming 0.0399 +/- acres of land at the western corner of Liberty Grove Road and Princeton Road in favor of the abutting property owner (East Dallas Church of God) for the purpose of cleaning up a remnant tract of land left over from a County of Dallas right-of-way.

#### **STAFF REPRESENTATIVE**

Daniel Acevedo, Urban Designer

#### **SUMMARY**

The purpose of this item is to approve a transfer (via vacation, abandonment and quitclaim) of property from the City of Rowlett to the East Dallas Church of God for the purpose of allowing full use of that land by the Church, abutting property owner. The land is an excess right-of-way parcel that had been transferred to Rowlett by Dallas County in 2015. The City does not have a practical purpose for retaining ownership of this excess right-of-way tract.

#### **BACKGROUND INFORMATION**

East Dallas Church of God obtained approval to begin construction of their church in 2015. During the planning phase of development, the applicant became aware of an easement that remained County of Dallas right-of way within the property boundaries of their land (Attachment 2). On May 17, 1937 that land had been acquired by Dallas County for the purpose of street and utility right-of way. Following Development Plan approval of the East Dallas Church of God in 2014, the City of Rowlett requested that the tract in question be transferred to the City from Dallas County. On February 3, 2015, the subject property was conveyed to Rowlett through a quitclaim deed (Attachment 3).

#### **DISCUSSION**

The subject property is part of a remnant tract of land that was obtained by the County of Dallas for right-of way purposes. Since that time, it has been deemed unnecessary for such purposes and has been conveyed by the County to the City of Rowlett. As stated in the Deed, the property was not needed by the citizens of Dallas County as a road for public transportation purposes, and is not suitable for conservation, park, recreation and/or similar purposes, and concurs with the City of Dallas' plan to dispose of the excess ROW without compensation.

Staff has been working with East Dallas Church of God to remedy this easement as it encroaches on their property and current development. Since the easement was owned by Dallas County, the County's process was to transfer through a Quit Claim ownership to the City.

Once received by the City, the City's intentions have been to vacate, abandon and quit claim the deed over to East Dallas Church of God so that an easement on that location no longer exists.

Staff is in support of this action due to the following reasons:

1. The subject property lies outside the boundaries of Liberty Grove Road and Princeton Road, and is not needed by the City for right-of way purposes.
2. Due to its shape and small area, the subject property cannot be used independently under its current zoning.
3. The property does not serve a public purpose and is not needed for future purposes.

## **FISCAL IMPACT**

N/A

## **RECOMMENDED ACTION**

Staff recommends approval of the request for a resolution vacating, abandoning and quitclaiming the subject property.

## **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, VACATING, ABANDONING AND QUITCLAIMING 0.0399 +/- ACRES OF LAND AT THE WESTERN CORNER OF LIBERTY GROVE ROAD AND PRINCETON ROAD AND BEING DESCRIBED IN EXHIBIT "A" HERETO IN FAVOR OF THE ABUTTING PROPERTY OWNER; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A DEED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett, Texas, finds that the tract of real property constituting the subject of this ordinance, situated within the western corner of the intersection of Liberty Grove Road and Princeton Road, had been acquired by Dallas County for street and utility right-of-way purposes, and, after having been determined to be unnecessary for such purposes, had then been conveyed to the City of Rowlett; and

**WHEREAS**, the City Council finds and determines that the subject property lies outside the boundaries of Liberty Grove Road and Princeton Road and is not needed by the City for right-of-way purposes; and

**WHEREAS**, the Property, due to its shape and small area cannot be used independently under its current zoning; and

**WHEREAS**, the City Council finds and determines that the described property should be abandoned, released and quitclaimed to the abutting property owner, the East Dallas Church of God, and its successors and assigns, in the interest of the public health, safety, and general welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS;**

**SECTION 1.** That the City Council finds and determines that a tract of real property situated within the western portion of the intersection of Liberty Grove Road and Princeton Road, consisting of 0.0399 +/- acres of land, and being described in Exhibit "A," attached hereto and incorporated herein (herein referred to as the "Property"), does not serve a public purpose and is not needed for future purposes, and the Property be and is hereby abandoned by the City of Rowlett, and is hereby abandoned, conveyed and quitclaimed to the abutting property owner, the East Dallas Church of God.

**SECTION 2.** That the abandonment provided for herein shall extend only to the public right, title and interest which the City of Rowlett, Texas, may have in and to the surface of said land, reserving and excepting the mineral estate, and shall be construed to extend only to such interests that the governing body of the City of Rowlett, Texas, may legally and lawfully abandon. The abandonment herein shall further be and is hereby subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and the City reserves unto itself the right at any time to lay, construct, and maintain water, storm and sanitary sewer lines and appurtenances in and upon the Property.

**SECTION 3.** That the City Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Deed Records of Dallas County, Texas.

**SECTION 4.** That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide, and upon recordation.

#### **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – East Dallas Church of God Site Plan

Attachment 3 – Quitclaim Deed

Exhibit A – Legal Description

Exhibit B – Site Survey

200' Notification Area

Subject Property

OLD PRINCETON

KINGS

TROON

AINSDALE

PRINCETON

STONEHAVEN

FERN HILL

ALBANY

WESTWAY

SAN CARLOS

PARK LANE

LIBERTY GROVE

LAKE VALLEY

ROCK VALLEY

CHIESA

BELLAIRE

EION

NORMANDY







**DALLAS COUNTY  
PUBLIC WORKS**

February 27, 2015

Marc J. Kurbansade, AICP |  
Director of Development Services  
City of Rowlett  
3901 Main Street  
Rowlett, TX 75088

Re: Quitclaim Deed to City of Rowlett – Right of Way Acquired for Liberty Grove Road, City of Rowlett, Texas

Dear Mr. Kurbansade:

Enclosed is the original, fully executed Quitclaim Deed from the County of Dallas to the City of Rowlett on the referenced property acquired by the County of Dallas by Right of Way Deed dated May 17, 1937, recorded in Volume 2013, Page 497, Deed Records, Dallas County, Texas. The Quitclaim Deed has been filed with the County Clerks Office and is recorded in Instrument No. 201500047581, Official Public Records of Dallas County, Texas. Also attached is copy of Commissioners Court Order No. 2015-0158 dated February 3, 2015 authorizing the transfer.

If you have any questions regarding this matter, please do not hesitate to call me at 214-653-6655.

Sincerely,

  
Pam Easterling  
Property Supervisor

PAE/pe  
G:/Property/Project(general)/LibertyGrove/QCDTransmittalLtr

Enclosures

**COURT ORDER  
2015-0158**



Quitclaim to City of Rowlett – Right of Way Acquired for Liberty Grove Road, City of Rowlett,  
James M. Hamilton Survey, Abstract No. 544

On a motion made by Commissioner John Wiley Price, District 3, and seconded by Commissioner Dr. Elba Garcia, District 4, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 1/27/2015  
FUNDING SOURCE: As briefed

Be it resolved and ordered that the Dallas County Commissioners Court does hereby declare that the triangular shaped tract of land, shown on attached Exhibit "A", acquired as part of the right of way for Liberty Grove Road, by Right of Way Deed dated May 17, 1937, recorded in Volume 2013, Page 497, Official Public Records, Dallas County, Texas, is not needed by the citizens of Dallas County as a road for public transportation purposes, and is not suitable for conservation, park, recreation and/or similar purposes and concurs with the City's plan to dispose of the excess ROW, Quitclaim to the City of Rowlett, without compensation, all rights, title and interest in the property, if any, Dallas County acquired by Right of Way Deed recorded in Volume 2013, Page 49, Official Public Records, Dallas County, Texas, and authorize the County Judge to execute the attached Quitclaim to the City of Rowlett, Texas.

Done in open court February 3, 2015, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge  
Commissioner Dr. Theresa M. Daniel, District 1  
Commissioner Mike Cantrell, District 2  
Commissioner John Wiley Price, District 3  
Commissioner Dr. Elba Garcia, District 4

OPPOSED: None  
ABSTAINED: None  
ABSENT: None

Recommended by: Alberta Blair  
Originating Department: Public Works

**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any Instrument that transfers an interest in real property before it is filed for record in the public records: Your social security number or your driver's license number.**



201500047581 ✓

DEED 1/4

## Quitclaim Deed

**Date:** February 25, 2015

**Grantor:** COUNTY OF DALLAS, TEXAS, a political subdivision of the State of Texas, hereinafter "Grantor" and by virtue of duly executed Commissioners Court Order No. 2015-0158 dated February 3, 2015

**Grantor's Mailing Address:**

411 Elm Street, Suite 300  
Dallas, TX 75202  
Attn: Assistant Director, Property Division

**Grantee:** CITY OF ROWLETT, a Texas Home Rule municipal corporation

**Grantee's Mailing Address:**

4000 Main Street  
Rowlett, TX 75088

**Consideration:**

Ten and No/100 Dollars (\$10.00) and other good and valuable consideration

**Property (including any improvements):**

That certain tract or parcel of land situated in the City of Rowlett, Dallas County, Texas, as described in Exhibit "A", attached hereto and incorporated herein for all purposes.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et.seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

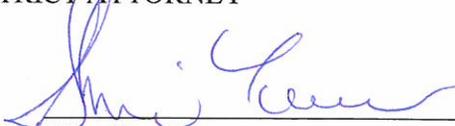
For the Consideration, Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the property or any part of it.

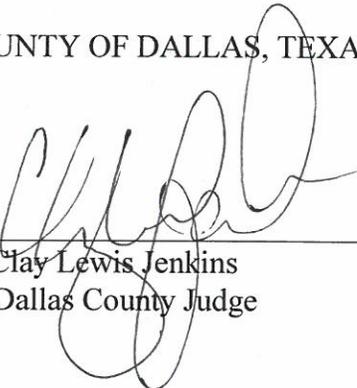
When the context requires, singular nouns and pronouns include the plural.

\*APPROVED AS TO FORM

COUNTY OF DALLAS, TEXAS

SUSAN HAWK  
DISTRICT ATTORNEY

By:   
Sherri Turner  
Assistant District Attorney

By:   
Clay Lewis Jenkins  
Dallas County Judge

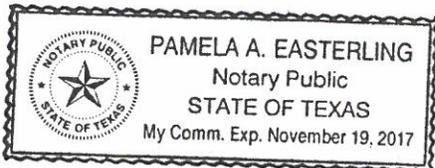
\*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS     §**

**COUNTY OF DALLAS       §**

This instrument was acknowledged before me on the 25<sup>th</sup> day of February, 2015, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.



  
Notary Public, State of Texas  
My Commission Expires \_\_\_\_\_

---

RETURN TO: County of Dallas  
411 Elm Street, 3rd Floor  
Dallas, Texas 75202  
Attn: Assistant Director  
Public Works Property Division

EXHIBIT "A"

Being a tract or parcel of land situated in the City of Rowlett, Dallas County, Texas, and being also in the James M. Hamilton Survey, Abstract No. 544, and being the same property deeded to the County of Dallas by Right of Way Deed dated May 17, 1937, recorded in Volume 2013, Page 497, Official Public Records, Dallas County, Texas, and more particularly described as follows;

Beginning at the most easterly corner of the Clyde R. Raney 40 acre tract in the James M. Hamilton Survey, Abstract No. 544:

Thence South  $45^{\circ} 27'$  West, 190.7 feet, to a point on the center line of Rowlett Liberty Grove Road No. 278, for a corner;

Thence North  $44^{\circ} 33'$  West, 30 feet, to a point for a corner, said point being the point of curve of a circular curve to the left, having a central angle of  $89^{\circ} 55'$  and a radius of 161.0 feet;

Thence in a Northerly direction 252.7 feet, along said curve to its point of tangency;

Thence North  $45^{\circ} 32'$  East, 30 feet, to a point on the center line of Rowlett-Liberty Grove Road, for a corner;

Thence South  $44^{\circ} 28'$  East, 190.7 feet, to the point of beginning.

The above described tract contains 0.37 acres of land, 0.13 acres of which is in the present right of way, leaving a net area of 0.24 acres.

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
02/27/2015 09:44:48 AM  
\$.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

201500047581

## EXHIBIT "A"

**RIGHT-OF-WAY TRACT  
0.0399 ACRE**

BEING a 0.0399 acre tract of land situated in the James Hamilton Survey, Abstract No. 544, City of Rowlett, Dallas County, Texas, and being part of that certain 3.000 acre tract of land described in deed to East Dallas Church of God, as recorded in Instrument 201000097973, Deed Records, Dallas County, Texas and being part of a 0.37 acre tract of land described in deed to the County of Dallas, as recorded in Volume 2013, Page 497 of said Deed Records, said 0.0399 acre tract and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with cap stamped RHODES found for the east corner of said 3.000 acre tract, said corner being at the intersection of the southwest line of Princeton Road, a variable width right-of-way with the northwest line of Liberty Grove Road, a variable width right-of-way;

THENCE South 48 degrees 05 minutes 22 seconds West, with the northwest line of said Liberty Grove Road and the southwest line of said 3.000 acre tract, a distance of 47.56 feet to the beginning of a non-tangent curve to the left having a radius of 161.00 feet whose chord bears North 21 degrees 48 minutes 45 seconds West, a distance of 122.90 feet from which a 1/2-inch iron rod with cap stamped RHODES found for corner bears South 48 degrees 05 minutes 22 seconds West, a distance of 57.30 feet, said corner being in the westerly line of said 0.37 acre tract;

THENCE Northwesterly, with the westerly line of said 0.37 acre tract and with said curve to the left, through a central angle of 44 degrees 52 minutes 23 seconds, an arc distance of 126.09 feet to the end of said curve in the southwest line of said Princeton Road;

THENCE South 44 degrees 33 minutes 14 seconds East, with the northeast line of said 3.000 acre tract and the southwest line of said Princeton Road, a distance of 115.54 feet to the POINT OF BEGINNING AND CONTAINING 1,738 square feet or 0.0399 acre of land.

LOT 1, BLOCK A  
RIVER CHURCH  
VOL. 2005016 PG:172  
D.R.D.C.T.

**JAMES HAMILTON SURVEY  
A-544**

3.000 AC.  
EAST DALLAS CHURCH OF GOD  
INSTR. 201000097973  
D.R.D.C.T.

$\Delta=044^{\circ}52'23''$   
L=126.09'  
R=161.00'  
LC=N  $21^{\circ}48'45''$  W  
122.90'

1,738 SF  
0.0399 AC.

POINT OF  
BEGINNING

1/2" I.R.F.  
W/RHODES  
CAP

0.37 AC.  
CLYDE R. RANEY ET UX  
TO COUNTY OF DALLAS  
VOL. 2013, PG. 497  
D.R.D.C.T.

A-544  
A-548

1/2" I.R.F.  
W/RHODES  
CAP

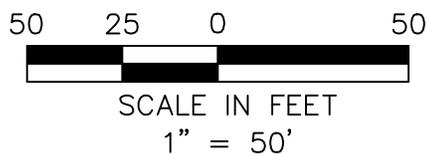


EXHIBIT "B"

**R.O.W. TRACT**

JAMES HAMILTON SURVEY, A-534  
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

**ENGINEERING CONCEPTS & DESIGN, L.P.**  
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES  
TEXAS FIRM REG. NO. 001145  
201 WINDCO CIRCLE, SUITE 200, WYLIE, TX 75098  
(972) 941-8400 FAX (972) 941-8401

Basis of bearing being S  $44^{\circ}47'18''$  E for the SW  
line of deed recorded in Instr. 201000097973,  
D.R.R.C.T.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 11/15/16

**AGENDA ITEM:** 7C

**TITLE**

Consider action to approve an ordinance amending the Code of Ordinances Chapter 6, Article I “Animal Nuisance” to clarify what constitutes an animal nuisance violation, and to amend impoundment regulations in conformity to a recent Texas Supreme Court case.

**STAFF REPRESENTATIVE**

Maria Martinez, Community Services Manager  
Lt. Marvin Gibbs, Community Services Commander

**SUMMARY**

The purpose of this amendment is to provide language that makes it clearer as to when a pet owner commits a nuisance offense due to noise and to establish timing parameters, owner responsibilities and evidentiary requirements. It also includes a housekeeping item, being addressed on advice of the City Attorney.

**BACKGROUND INFORMATION**

The “Animal Nuisance” section of the Rowlett Code of Ordinances was last before the Council on December 7, 1999. It was discussed with Council on July 19, 2016 at the Joint Animal Shelter Advisory Board and City Council Work Session.

This topic has also been discussed at the Animal Shelter Advisory Board meetings on March 8, 2016, May 10, 2016 and September 27, 2016.

In April of this year, the Texas Supreme Court handed down an opinion in a case entitled “Lydia v. Greater Houston German Shepherd Rescue Organization,” that involved the validity of a transfer of an impounded dog to a rescue organization after the shelter’s holding period expired. Since Houston’s ordinances did not clearly reference a forfeiture of ownership rights following the expiration of the holding period at the shelter, there was some potential responsibility owing to the original owner of the dog. Rowlett (and most cities’ animal shelters) has always operated under the assumption that if an owner fails to claim his/her animal after the impoundment period, the owner lost rights to the animal and the shelter could dispose of the animal in a humane manner. This change is effectively a housekeeping item, amending our regulations to meet the Supreme Court’s requirements.

**DISCUSSION**

Prosecution of animal nuisance violations has been a challenge due to the ambiguous language of the current ordinance which reads, “*A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private*

*residence that disturbs the peace and quiet of any person of ordinary sensibility.”* An amendment to this ordinance that establishes an objective time or duration should alleviate some of the issues with interpretation and enforcement and will clarify owner responsibilities. The proposed language would read as follows:

*“A person commits an offense if he knowingly or recklessly harbors an animal that unreasonably barks, howls, crows or makes other unreasonably loud or persistent noise near a private residence that disturbs the peace and quiet of a person of ordinary sensibilities. **If the noise lasts for a period of at least 15 minutes, even if the noise is sporadic within the 15 minute period, such shall be prima facie evidence of a violation of this provision and that the same constitutes a nuisance.**”*

The Code and departmental policy establishes a process by which Animal Control Officers would be sent out to the location to attempt contact with the resident/animal owner when an animal nuisance complaint is received. The animal owner will be issued a warning notice followed by a formal letter with specific instructions to gain control over the nuisance barking within 10 days, or be subject to citations. If the nuisance barking continues after the 10 day period, the complainant is given the option to be the complaining witness on a citation to be delivered by Animal Control Officers. The complainant may be subpoenaed to testify in court regarding the nuisance barking. The stated change in the language clarifies what constitutes an animal nuisance violation and provides some clarity as to what evidence may be needed to successfully prosecute the case.

This change of language will be provided to complainants when a complaint is made. The process and requirements will be updated on the City website under animal nuisance and in the FAQs. Social media will be used to inform the general public of the changes. Evidence suggestions have been made to complainants even prior to the amendment of this ordinance and staff will continue to advise animal owners and complainants of the process and amendment language.

In regards to the recommended amendment to Section 6-276 “Impoundment” the proposed changes are made as a recommendation from the City Attorney as a result of a Texas Supreme Court decision. The proposed amendment is believed to be necessary to avoid potential liability.

#### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Move to approve the ordinance as presented, amending Section 6-7 of the Code to clarify animal nuisance violations and to amend Section 6-276 of the Code regarding impounded animals.

#### **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE I (“IN GENERAL”) OF CHAPTER 6 (“ANIMALS”) TO AMEND SUBPART (a) OF SECTION 6-7 BY REVISING PROVISIONS RELATING TO ANIMAL NUISANCES; TO AMEND ARTICLE VIII (“IMPOUNDMENT”) OF CHAPTER 6**

**(“ANIMALS”) BY AMENDING SECTION 6-276 RELATING TO THE DISPOSITION OF IMPOUNDED ANIMALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett, Texas, hereby finds and determines that the ownership of animals presumes a responsibility to the animal and to the citizens of the City; and

**WHEREAS**, many pet owners keep or maintain their animals in an outdoor environment in often densely occupied residential subdivisions and fail to prevent their animals from creating excessive noise; and

**WHEREAS**, a balance must be made between the rights of pet owners and the competing rights of nearby residents in residential areas to enjoy the quiet and comfort of their own homes; and

**WHEREAS**, it is the policy of the City of Rowlett to minimize exposure of citizens to the physiological harm and discomfort of excessive noise and to protect, promote and preserve the public peace, health, comfort, convenience, safety and welfare; and

**WHEREAS**, recent case law suggests that the absence of clear provisions dealing with the forfeiture of ownership rights of pet owners who have abandoned their pets in animal shelters may give rise to claims against municipalities and animal shelters.

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

**SECTION 1.** That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending subsection (a) of Section 6-7 of Article I, “In General,” of Chapter 6, “Animals,” by amending noise prohibitions, without amendment, repeal or change to any other subsection, part or provision of Section 6-7, such that subsection (a) of Section 6-7 shall henceforth read in its entirety as follows:

**“CHAPTER 6. ANIMALS**

...

**ARTICLE I. IN GENERAL**

...

**Sec. 6-7. Animal nuisance.**

(a) Noise. A person commits an offense if he knowingly or recklessly harbors an animal that unreasonably barks, howls, crows or makes other unreasonably loud or persistent noise near a private residence that disturbs the peace and quiet of a person of ordinary sensibilities. If the noise lasts for a period of at least 15 minutes, even if the noise is sporadic within the 15 minute period, such shall be prima facie evidence of a violation of this provision and that the same constitutes a nuisance.

...”

**SECTION 2.** That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending Section 6-276 of Article VIII, “Impoundment,” of Chapter 6, “Animals,” by declaring a forfeiture of ownership of animals abandoned after impoundment, without amendment, repeal or change to any other section, part or provision of Article VIII of Chapter 6, such that Section 6-276 shall henceforth read in its entirety as follows:

## “CHAPTER 6. ANIMALS

...

### ARTICLE VIII. IMPOUNDMENT

...

#### **Sec. 6-276. Disposition.**

If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, ownership of the animal shall be deemed forfeited by the owner and shall automatically revert to the City. Transfer of ownership for animals wearing a current city license tag will occur six days after impoundment. The foregoing periods shall be extended for any period in which the animal is held under quarantine. As a precondition of forfeiture of ownership, the City shall take reasonable steps to notify or make the animal available for retrieval by the owner. An owner may nevertheless redeem the animal following the time periods stated herein; provided, however, that if the owner has failed to redeem the animal, the animal may be given to a nonprofit humane organization, placed for adoption, humanely destroyed, or disposed of in any manner deemed reasonable by the City.”

**SECTION 3.** That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in

effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 11/15/2016

**AGENDA ITEM:** 8A

**TITLE**

Conduct a public hearing and take action on a request for a Major Warrant pertaining to landscaping requirements for three caliper inches for the Homestead at Liberty Grove located at the northern terminus of Chiesa Road, north of Liberty Grove Road, further described as being 35.315 +/- acres out of the James M. Hamilton Survey, Abstract No. 544, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Daniel Acevedo, Urban Design Manager

**SUMMARY**

The subject property (Attachment 1 – Location Map) is zoned New Neighborhood FB District (NN-FB) and is regulated by the City's Form-Based Code (FBC). The applicant is requesting a Major Warrant to allow 54 street trees that do not meet the minimum size of three caliper inches. The 54 street trees planted are 2.68 average caliper inches in size. The applicant is proposing to offset the reduction of tree size by planting six additional trees in the open space and requesting the use of surplus inches from the remaining trees installed that exceed the required three inches. (Exhibit B). Staff felt it was appropriate to bring this item forward for consideration as a Major Warrant due to the quantity of undersized trees. The purpose of this item is to conduct a public hearing and take action on the request.

The Planning and Zoning commission unanimously recommended approval of the request for a Major Warrant at their October 25 public hearing. The link to that meeting can be found here: <http://rowlettx.swagit.com/play/10252016-2209>.

**BACKGROUND INFORMATION**

The subject property is zoned New Neighborhood FB District (NN-FB) and is regulated by the Form-Based Code, which was approved on November 6, 2012 by Rowlett City Council. The NN-FB District is designed to generate a pedestrian-oriented, single-family neighborhood. The Planning and Zoning Commission approved the Preliminary Plat on January 14, 2014, and the Final Plat on August 11, 2015. Twenty seven homes have been permitted and are under construction since the first building permit was issued in June 2016.

**DISCUSSION**

Code requirements for landscaping, which call for 3" caliper trees to be planted at an average of 30'-0" on center, have been in place since the Form-Based Code was adopted in 2012. This minimum ensures that adequate shade is located along pedestrian paths, generating an environment that is conducive to walkable neighborhoods. Currently, the developer has installed

the final stages of landscaping for Phase I in the public areas, including street trees along the primary entry and in the medians. The developer is requesting a Major Warrant to allow the 54 undersized trees that were installed.

During the final site inspection of landscaping installed for Phase I, Staff noticed that a high percentage of street trees planted were undersized based on code requirements and the approved landscape plan. Immediately, Staff reached out to the developer to determine why the undersized trees were installed, and he indicated that it was not possible to obtain the required number of 3" caliper tree from their supplier at that time. According to the supplier, there is a consistent cycle of growth throughout tree farming suppliers so 3" caliper trees were not available yet for purchase.

At that point, Staff took the liberty to call a landscaping expert to confirm this condition, and were given the same information. Staff was also told that depending on water and fertilizer a tree may grow between 0.5 to 1 caliper inches in a year. This means that the undersized trees that were planted should average out to three caliper inches within the year. Due to the quantity of trees installed, and in looking for a solution, Staff thought it would be necessary to bring this forward as a Major Warrant. At this time the developer is proposing to use any trees planted in excess of 3" caliper minimum as a surplus towards the tree caliper requirement. (Exhibit A)

### **FBC 1.5.3 Major Warrants:**

City Council may approve a Major Warrant if the application:

- a. Meets the general intent of this Chapter (Article 1.2) and the FB District in which the property is located;

**Staff believes that the general intent of the Form-Based Code will not be compromised if granted the warrant.**

- b. Will result in an improved project which will be an attractive contribution to the FB District; and

**In terms of an improved project, the applicant is proposing to plant six additional trees in the open space. This will provide an attractive contribution to the district and increase the amount of shade in the open space. The existing conditions along the sidewalks will fill in with time, but are not improved in the short term.**

- c. Will not prevent the realization of the overall intent of the FB District or Districts.

**Staff believes that the requested Major Warrant will not prevent the realization of the overall intent of the Form-Based District.**

In Staff's opinion while the size of the trees is unfortunate, the growing time to achieve the required condition will not compromise the integrity of the streetscape. Therefore Staff is in support of this request.

**Public Hearing Notices:**

On October 7, 2016, a total of six notices were mailed to property owners within 200 feet and a total of eight courtesy notices were mailed to property owners within 500 feet. As of November 4, 2016, zero responses were received.

**FISCAL IMPACT**

N/A

**RECOMMENDED ACTION**

Staff recommends that City Council approve the requested Major Warrant regarding landscape requirements.

**ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING A MAJOR WARRANT ALLOWING STREET TREES OF A SMALLER DIAMETER THAN OTHERWISE REQUIRED, AND REQUIRING ADDITIONAL TREES WITHIN DESIGNATED OPEN SPACE AREAS IN MITIGATION, WITHIN THE HOMESTEAD AT LIBERTY GROVE SUBDIVISION LOCATED AT THE NORTHERN TERMINUS OF CHIESA ROAD, NORTH OF LIBERTY GROVE ROAD, DESCRIBED AS BEING 35.315 +/- ACRES OUT OF THE JAMES M. HAMILTON SURVEY, ABSTRACT NO. 544, CITY OF ROWLETT, DALLAS COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that this Major Warrant should be approved.

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

**Section 1:** That the City Council of the City of Rowlett, Texas does hereby grant a major warrant applicable to the Homestead at Liberty Grove Subdivision located at the northern terminus of Chiesa Road, north of Liberty Grove Road, and described as being 35.315 +/- acres out of the James M. Hamilton Survey, Abstract No. 544, City of Rowlett, Dallas County, Texas (hereinafter the "Property") to permit, allow and ratify the planting of 54 street trees within the Property with a diameter of less than the minimum requirement of three caliper inches, and to require the planting of six additional trees in mitigation, said additional trees to be planted in designated open space areas, in accordance with the revised landscape plan attached hereto and incorporated herein as Exhibit "A."

**Section 2:** That all development and use regulations and requirements imposed on property in the Form-Based Code – New Neighborhood zoning district shall apply to the development and use of the Property unless in conflict with this ordinance or other prior ordinances specifically applicable to the Property, in which case the provisions of this or other applicable ordinances shall control.

**Section 3:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional.

**Section 4:** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; each and every day such offense continues or exists shall be deemed a separate offense.

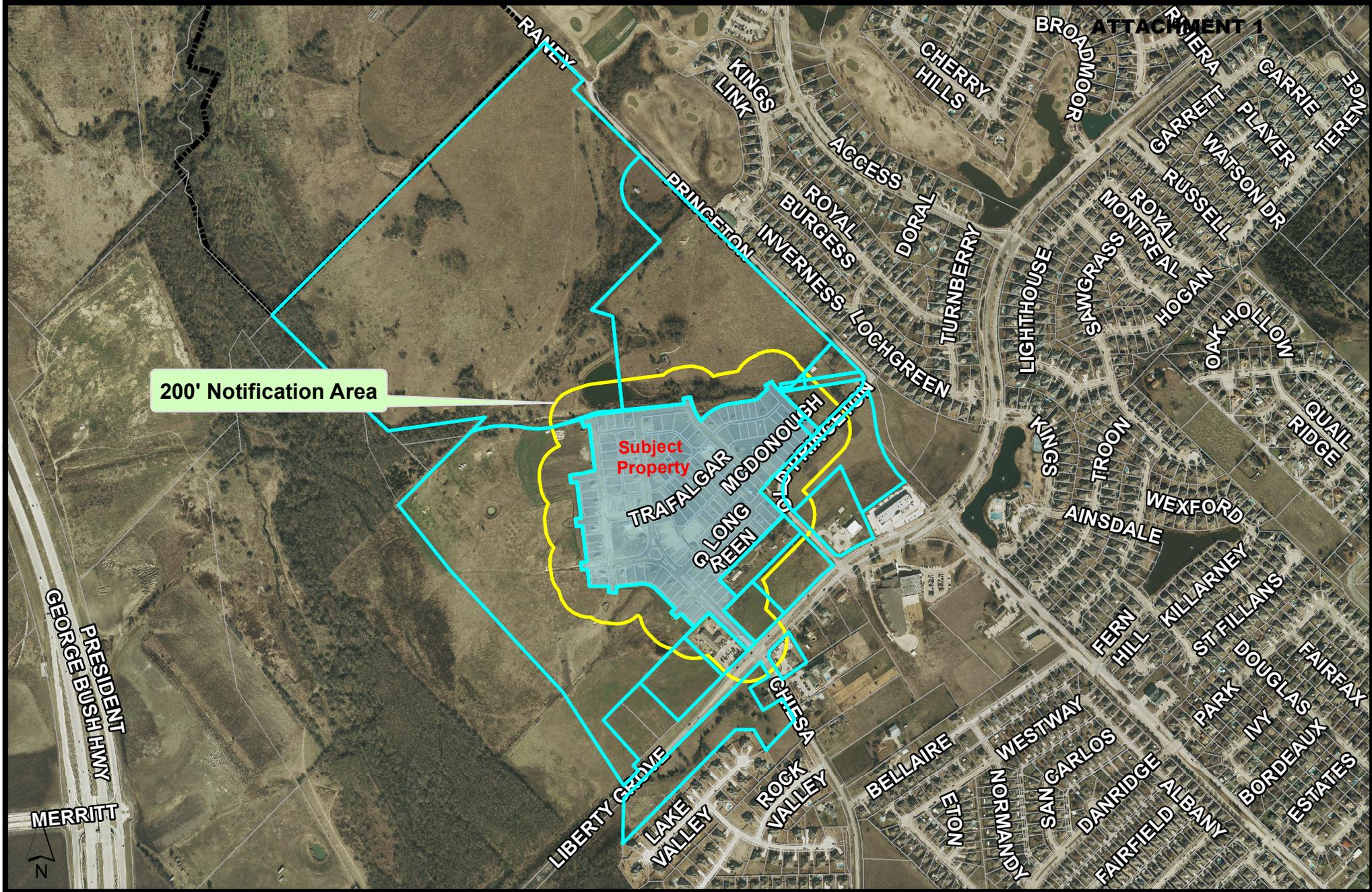
**Section 5:** That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Previously Approved Landscape Plan

Exhibit A – Revised Landscape Plan



200' Notification Area

Subject Property



Homestead at Liberty Grove PH 1  
 Single Family Residential Subdivision  
 Map Created: October 09, 2016

**VARIANCE**  
**200 FT NOTICE**  
**LOCATION MAP**



Landscape Architects • Planners  
 5307 East Mockingbird Lane, Suite 120  
 Dallas, Texas 75206  
 (214) 744-0757 Fax: (214) 744-6785  
 Austin • Dallas • Fort Lauderdale  
 Fort Worth • Houston • San Antonio • Tulsa

Project:  
**HOMESTEAD  
 AT  
 LIBERTY GROVE**  
 PHASE 1

ROWLETT, TEXAS

Project Number:  
 D14459

Designed: JD

Drawn: AR

Reviewed: JD, MM

Date Issued:  
 August 4, 2015

Revisions:

- △ 2015.09.11 LOGO REVISION
- △ 10/9/2015
- △ 2016.01.28 & 2016.02.04 OWNER'S REVISIONS

Sheet Title:  
**COVER SHEET**

Sheet Number:  
**LC 1.00**

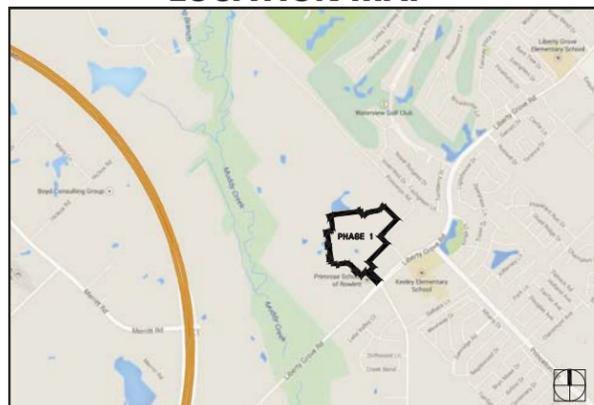
# CONSTRUCTION DRAWINGS FOR: HOMESTEAD AT LIBERTY GROVE - PHASE 1

## Rowlett, Texas Sitework / Planting

### VICINITY MAP



### LOCATION MAP



### A PROJECT BY

#### OWNER: ARCADIA

CONTACT: KATHERINE HODGE  
 OR CHRISTOPHER ORR  
 3500 MAPLE AVENUE #1165  
 DALLAS, TEXAS 75219  
 O: 214/269-1997  
 C: 214/724-9281

#### LANDSCAPE ARCHITECT: TBG PARTNERS

CONTACT: JONATHAN DUNBAR  
 1306 MAY STREET, SUITE 200  
 FORT WORTH, TEXAS 76104  
 O: 817/870-9848

#### CIVIL ENGINEER: JBI PARTNERS, INC.

CONTACT: JOSH LUKE  
 16301 QUORUM DR., SUITE 200 B  
 ADDISON, TX 75001  
 O: 972/738-6189

### INDEX OF SHEETS

INC.	DATE	ISSUE	SHEET TITLE	PAGE #
<b>Reference</b>				
2	FEBRUARY 4, 2016	CD SET	Cover Sheet	LC 1.00
3	AUGUST 4, 2015	CD SET	General Notes and Legends	LC 1.01
	AUGUST 4, 2015	CD SET	Key Map	LC 1.02
	AUGUST 4, 2015	CD SET	Materials Schedule	LC 1.03
<b>Sitework</b>				
2	OCTOBER 9, 2015	CD SET	Entrance Feature Orientation Plan	LS 1.01
3	FEBRUARY 04, 2016	CD SET	Sitework Plan	LS 1.02
	JANUARY 28, 2016	CD SET	Sitework Plan	LS 1.03
2	OCTOBER 9, 2015	CD SET	Sitework Plan	LS 1.04
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	JANUARY 28, 2016	CD SET	Sitework Sections	LS 3.04
<b>Planting</b>				
2	OCTOBER 9, 2015	CD SET	Entrance Planting Orientation Plan	LP 1.01
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	JANUARY 28, 2016	CD SET	Planting Plan	LP 1.06
3	AUGUST 4, 2015	CD SET	Planting Details	LP 3.01
3	FEBRUARY 4, 2016	CD SET	Planting Schedule	LP 3.02







08/04/2015

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Project:  
**HOMESTEAD  
AT  
LIBERTY GROVE  
PHASE 1**

ROWLETT, TEXAS

Project Number:  
D14459

Designed: JD

Drawn: AR

Reviewed: JD, MM

Date Issued:  
August 4, 2015

Revisions:


Sheet Title:  
**KEY MAP**

Sheet Number:

**LC 1.02**



**1** KEY MAP  
PLAN





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Sheet Title:  
**MATERIALS  
 SCHEDULE**

Sheet Number:  
**LC 1.03**

MATERIALS SCHEDULE					
<b>CONCRETE</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
C.1	STANDARD GREY CONCRETE	GREY	MEDIUM BROOM	N/A	CONTRACTOR TO PROVIDE MOCK-UP FOR FINAL APPROVAL BY LANDSCAPE ARCHITECT. REF. PLANS FOR LAYOUT - SIDEWALK - GENERAL HARDSCAPE
<b>EDGING</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
E.1	3/16" X 4" STEEL EDGING	BLACK	POWDER COAT	COMPANY: JD RUSSELL CO. PHONE: 800-888-6872	OR APPROVED EQUAL
<b>MISC.</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
M.1	FILTER FABRIC MIRAFI 135N OR EQUAL			COMPANY: TENCATE INDUSTRIAL FABRICATION PHONE: 706-639-2226	
M.2	FIORE BIRDHOUSE DG-94	AQUA BLUE (AB) & ORANGE (OR)		COMPANY: JACKSON POTTERY INC. PHONE: 214-357-9819	
<b>STONE</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
S.1	DECOMPOSED GRANITE	N/A			REF. PLANS FOR LOCATIONS.
S.2	STONE VENEER, RANDOM SIZE	BROWN HACKETT	TUMBLED BUILDER STONE		REF. PLANS FOR LOCATIONS.
<b>WOOD</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
W.1	SINKER CYPRESS PLANKS 1 x 4 x 1/2			COMPANY: SANVIG SAWMILL PHONE: 903-885-7956	
W.2	SINKER CYPRESS HOOD BENCH 1'-6 1/4" X 1'-6 1/4" X 6'-0" L			COMPANY: SANVIG SAWMILL PHONE: 903-885-7956	
<b>LIGHTING</b>					
KEY	DESCRIPTION /MODEL NUMBER	COLOR	FINISH	CONTACT	REMARKS
L.1	SIGN UPLIGHT				
L.2	FESTOON LIGHT				
L.3	PENDANT TREE LIGHT SOLID STATE RM FIXTURE WITH PERFORATED CAP AND TS-TMC-36; B-K LIGHTING, INC.			COMPANY: ARCHITECTURAL LIGHTING ASSOCIATES CONTACT: BILL GALVIN PHONE: 214-658-9000	TO BE FIELD LOCATED BY LANDSCAPE ARCHITECT

Z:\Tbg\Liberty Grove\Phase One (D14459)\04 CD\Sheets\01-LC\LC14459-LC1-00.dwg





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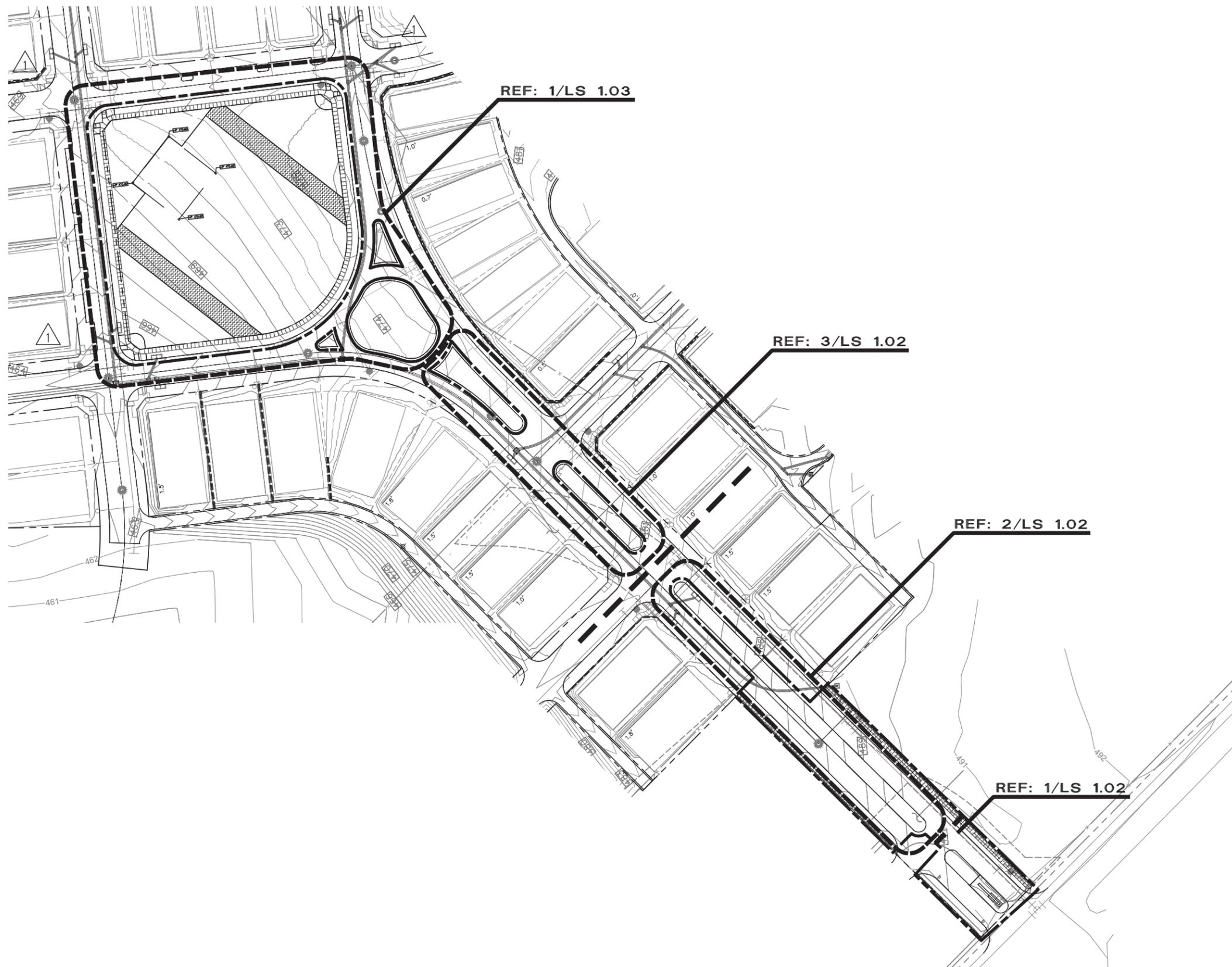
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Reviewed: JD, MM

Date Issued:  
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Revisions:  
10/9/2015

Sheet Title:  
**ENTRANCE  
FEATURE  
ORIENTATION PLAN**

Sheet Number:  
**LS 1.01**



**1** ENTRANCE FEATURE ORIENTATION PLAN  
PLAN







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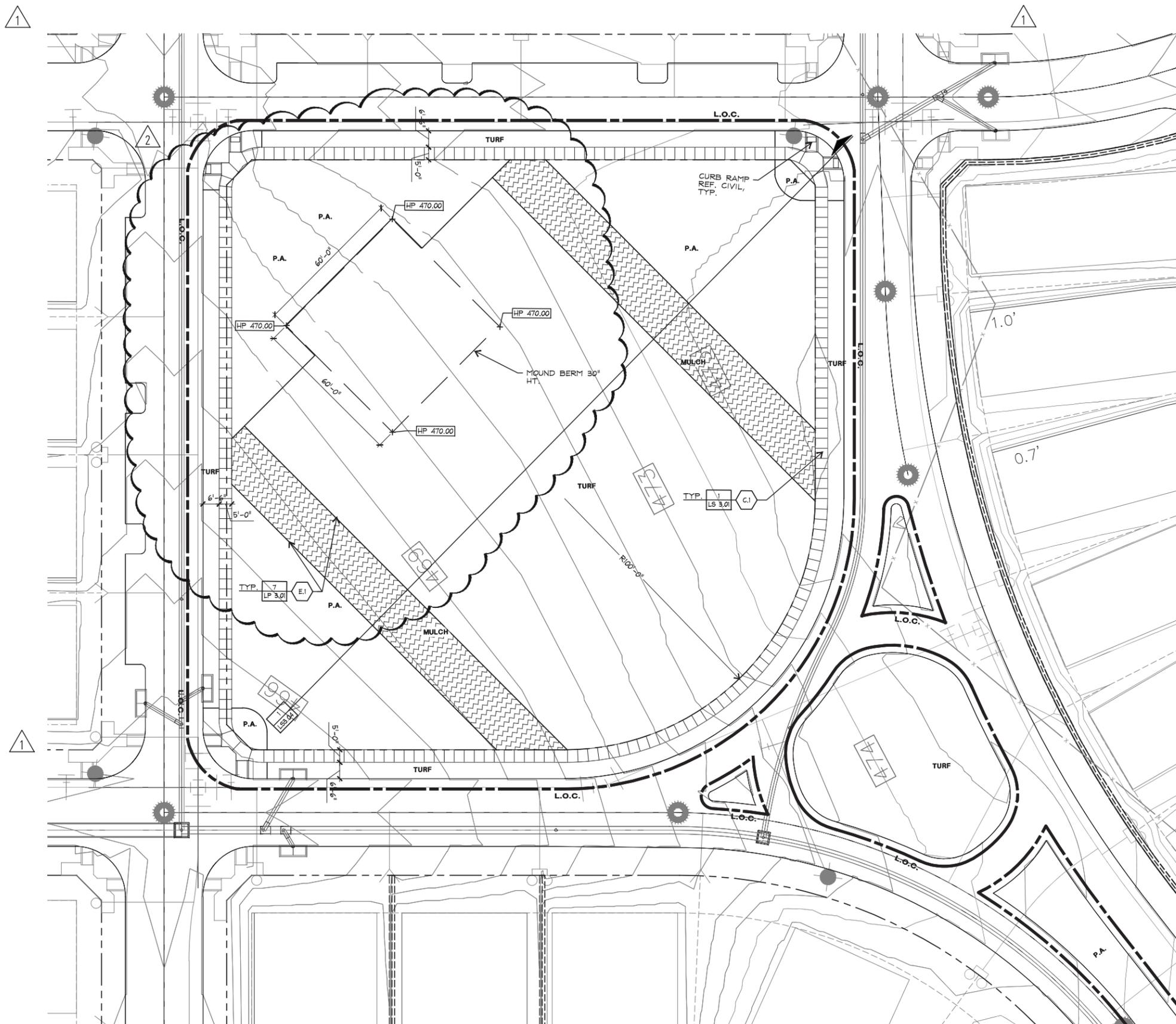
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Revisions:  
10/9/2015  
01/28/2016 OWNER'S REVISION

Sheet Title:  
**SITWORK  
PLAN**

Sheet Number:  
**LS 1.03**

NOTE:  
GRADING SUBJECT TO CHANGE  
IN FIELD BY OWNER.



**1** SITWORK PLAN  
PLAN





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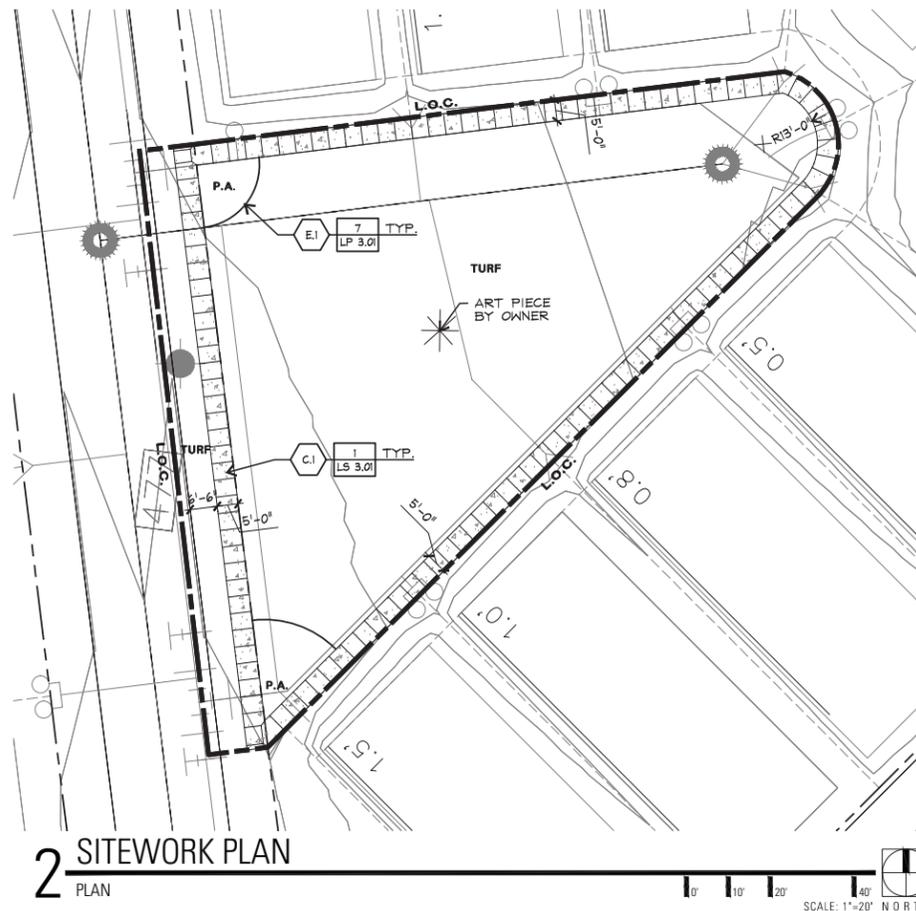
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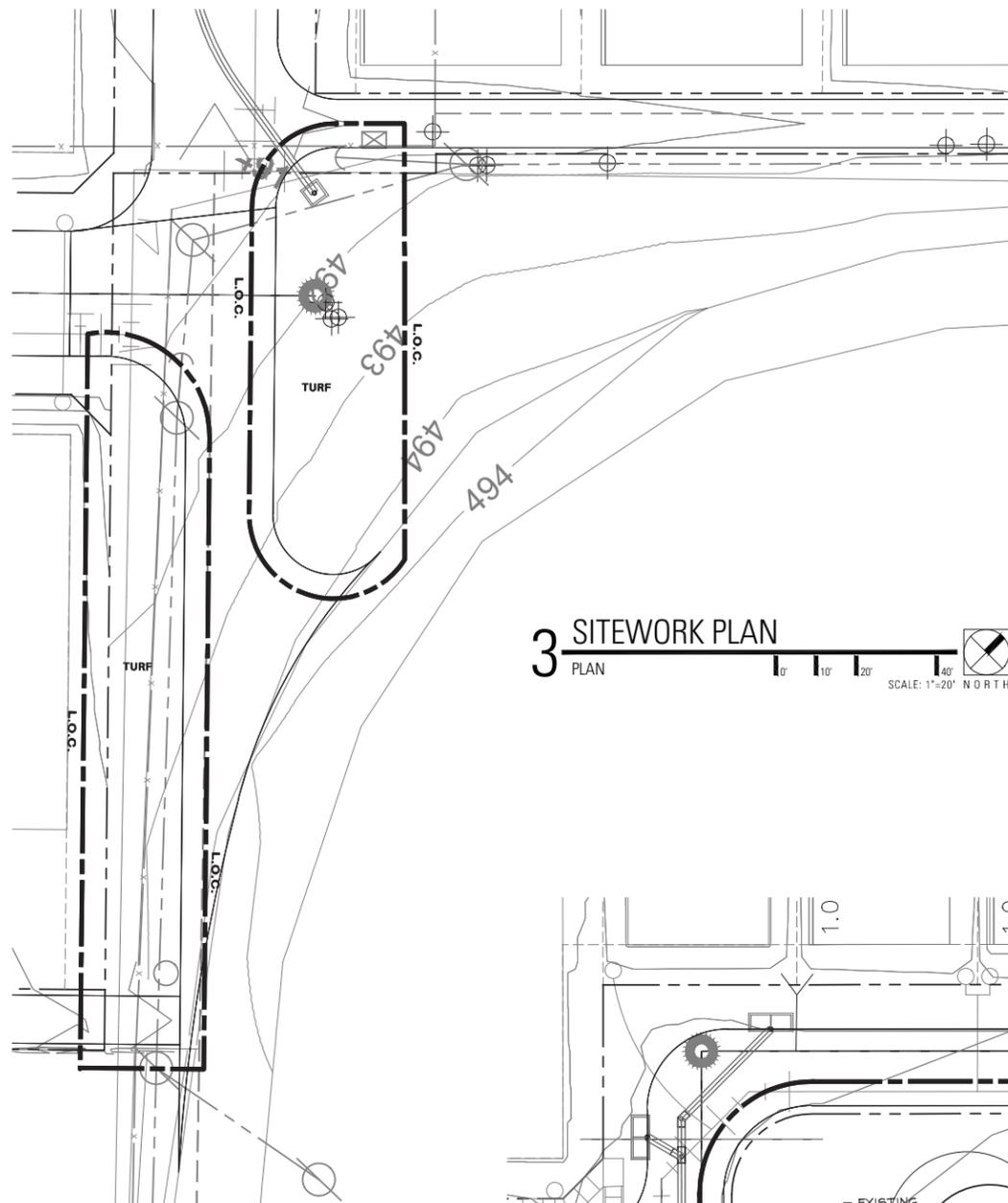
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 10/9/2015

Sheet Title:  
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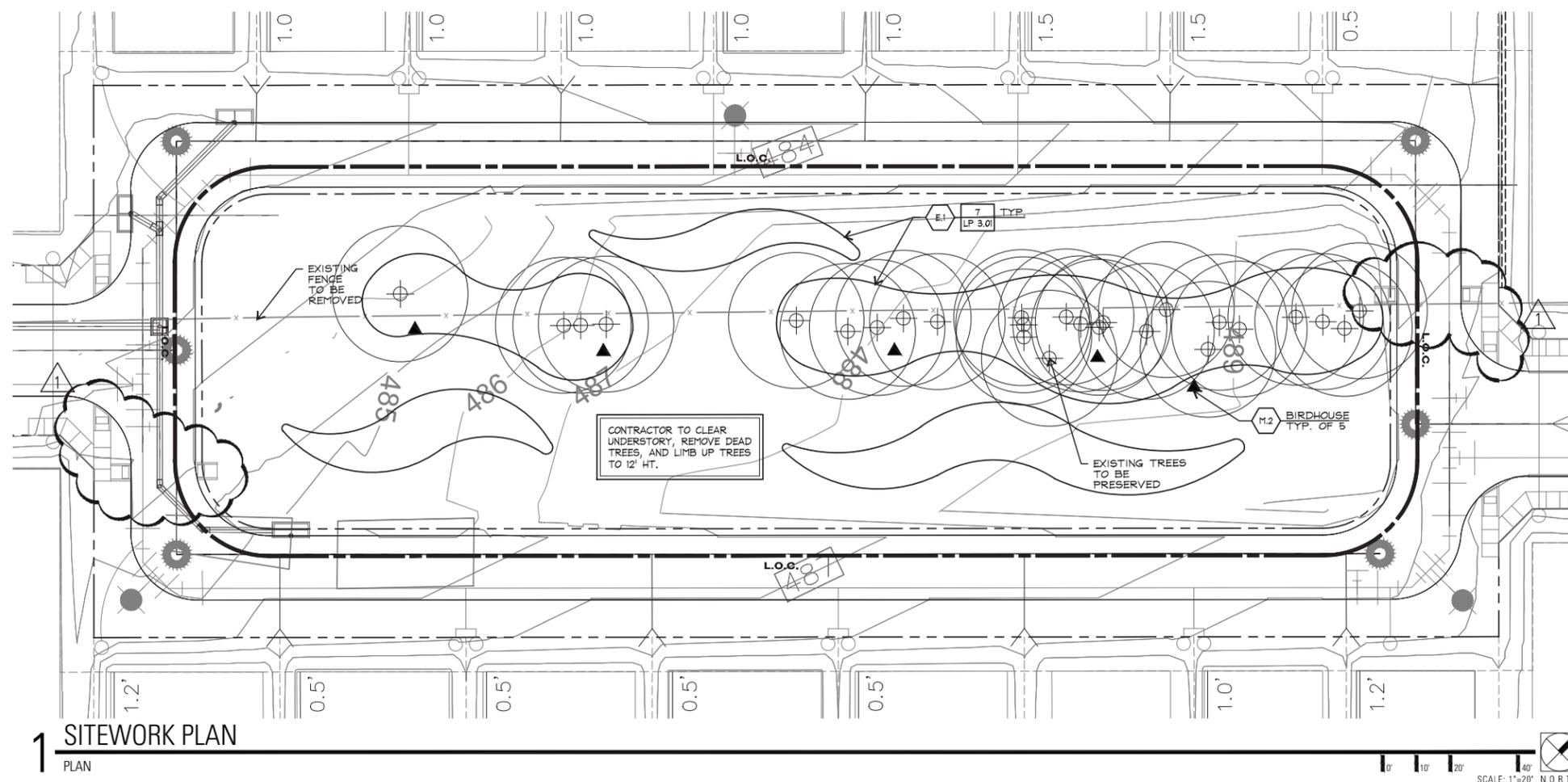
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**LS 1.04**



**2** SITWORK PLAN  
 PLAN



**3** SITWORK PLAN  
 PLAN



**1** SITWORK PLAN  
 PLAN





08/04/2015

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Project:  
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Project Number:  
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Designed: JD

Drawn: AR

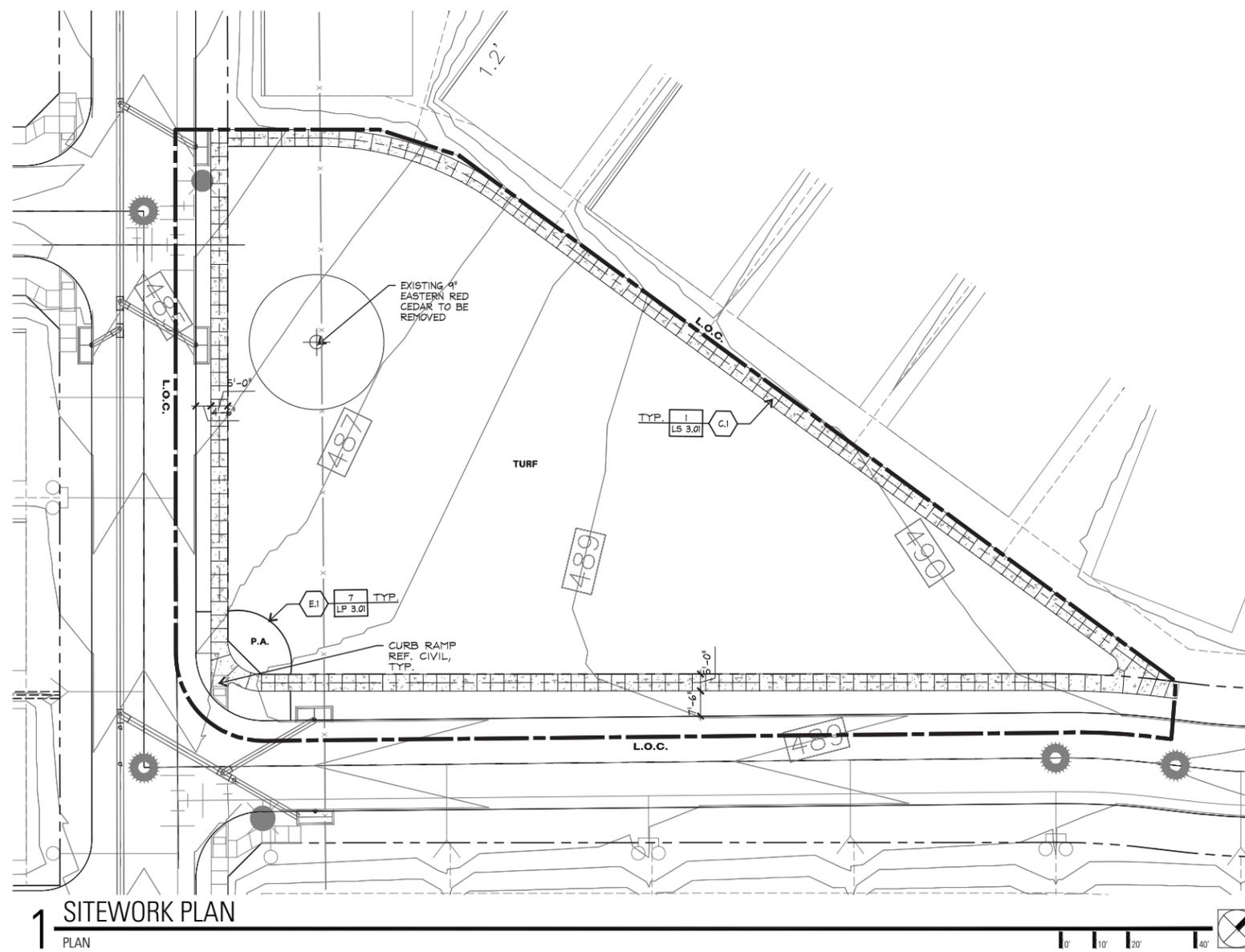
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Revisions:

Sheet Title:  
**SITWORK  
PLAN**

Sheet Number:  
**LS 1.05**



**1 SITWORK PLAN**  
PLAN





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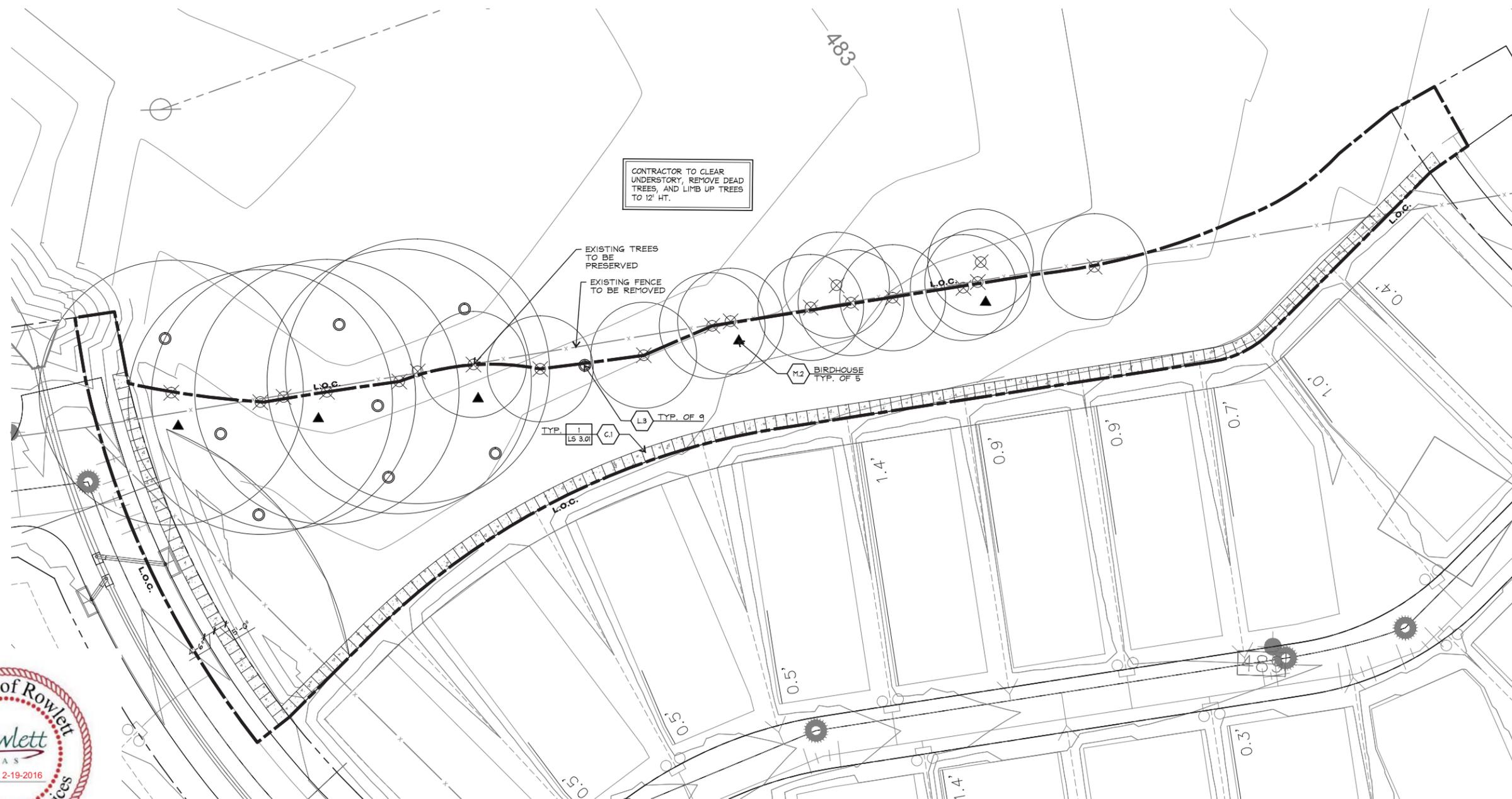
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 Reviewed: JD, MM

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 PLAN**

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CONTRACTOR TO CLEAR UNDERSTORY, REMOVE DEAD TREES, AND LIMB UP TREES TO 12' HT.

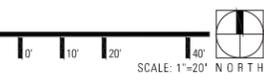
EXISTING TREES TO BE PRESERVED  
 EXISTING FENCE TO BE REMOVED

M2 BIRDHOUSE  
 TYP. OF 5

TYP. 1 LS 3.0' C.1' L3 TYP. OF 9



3K PLAN



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Project:  
**HOMESTEAD  
 AT  
 LIBERTY GROVE**  
 PHASE 1

ROWLETT, TEXAS

Project Number:  
 D14459

Designed: JD

Drawn: AR

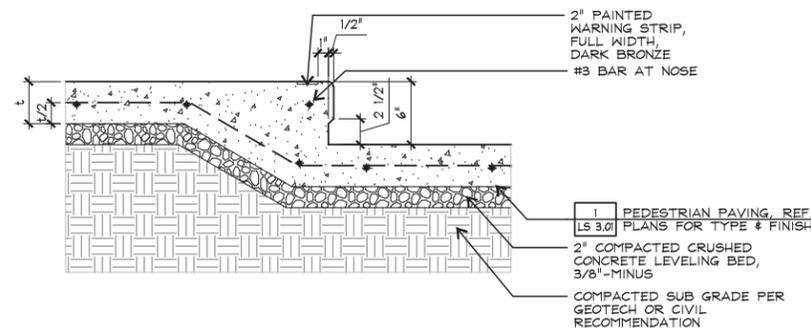
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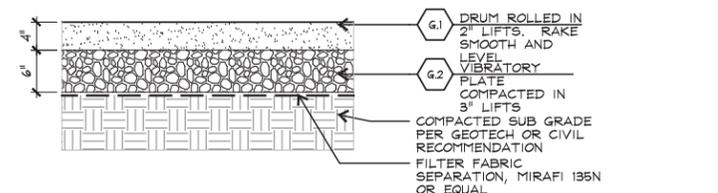
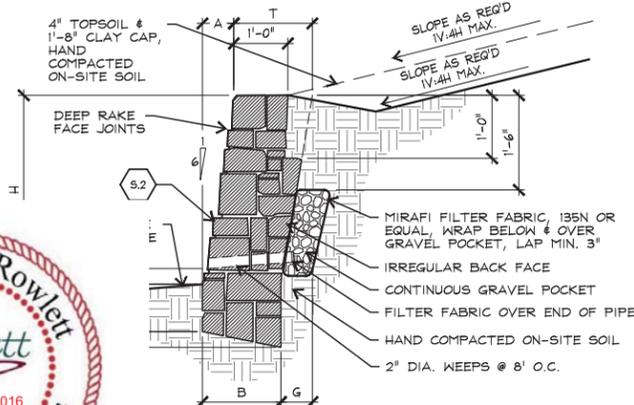
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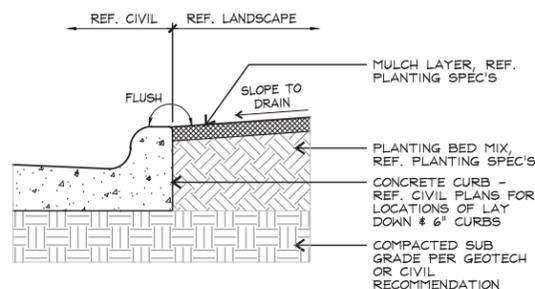
STONE WALL EXAMPLE

MASONRY WALL SCHEDULE						
WALL HEIGHT	BATTER	BASE WIDTH	WALL THICKNESS	BASE DEPTH (TOE)	BASE DEPTH (HEEL)	GRAVEL BOTTOM
H	A	B	T	C	Cl	G
24"	6"	1'-0"	1'-0"	6"	3"	6"
24"-3'	6"	1'-3"	1'-3"	9"	3"	6"
6"						
36"-4'	8"	1'-7"	1'-7"	9"	4"	9"
8"						



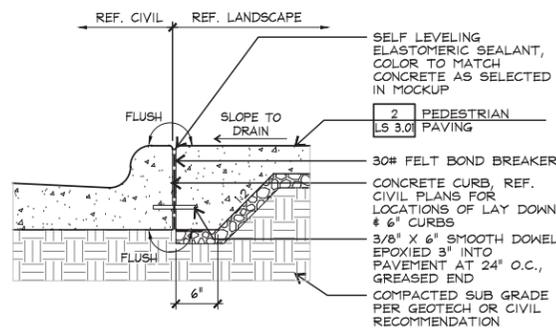
8 DECOMPOSED GRANITE

SECTION SCALE: 1"=1'-0"



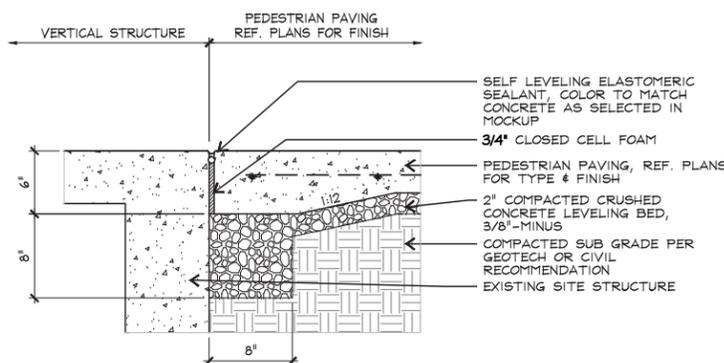
7 PLANTING AT BACK OF CURB

SECTION SCALE: 1"=1'-0"



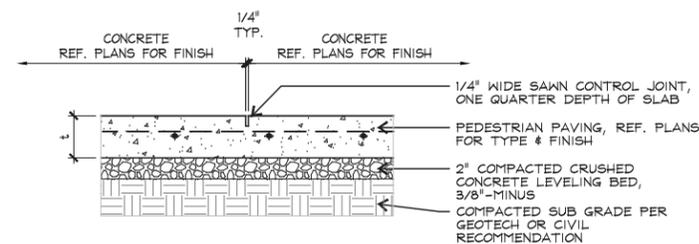
6 CONCRETE AT BACK OF CURB

SECTION SCALE: 1"=1'-0"



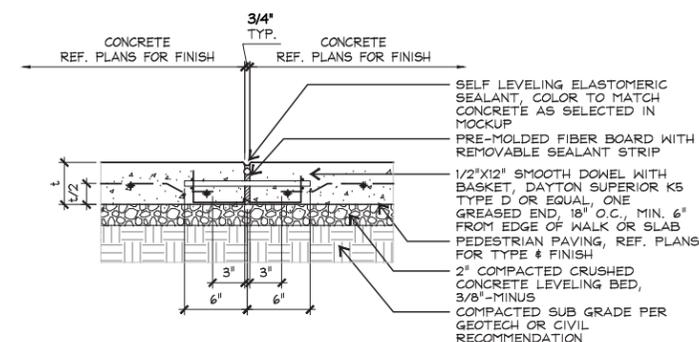
5 ISOLATION JOINT

SECTION SCALE: 1-1/2"=1'-0"



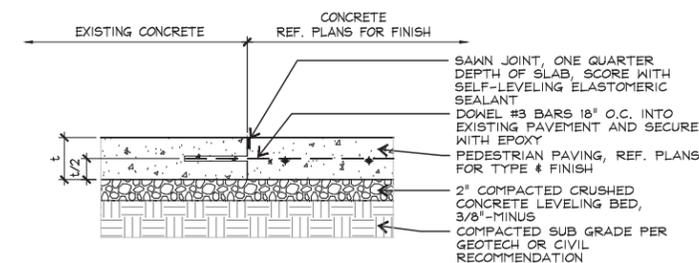
4 CONTROL JOINT

SECTION SCALE: 1-1/2"=1'-0"



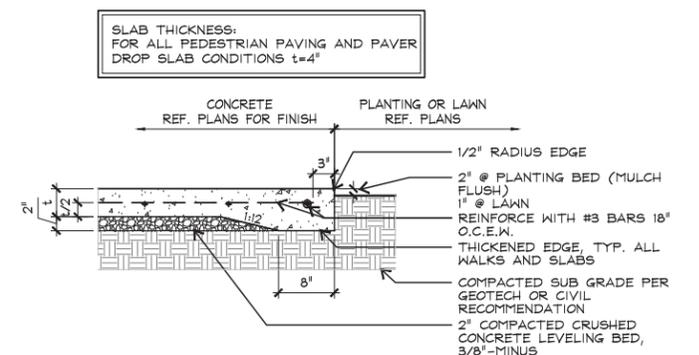
3 EXPANSION JOINT

SECTION SCALE: 1-1/2"=1'-0"



2 COLD JOINT

SECTION SCALE: 1-1/2"=1'-0"



1 CONCRETE WALK OR SLAB

SECTION SCALE: 1"=1'-0"





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 LIBERTY GROVE  
 PHASE 1**

ROWLETT, TEXAS

Project Number:  
 D14459

Designed: JD

Drawn: AR

Reviewed: JD, MM

Date Issued:  
 August 4, 2015

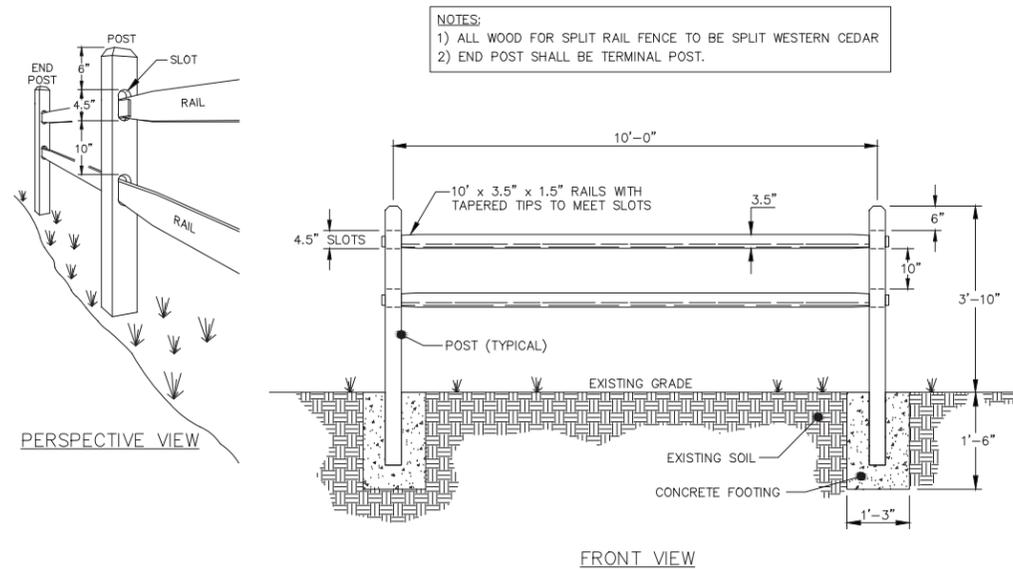
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1



**1 SPLIT RAIL FENCE**  
 ELEVATION AND PERSPECTIVE

SCALE: 1-1/2"=1'-0"





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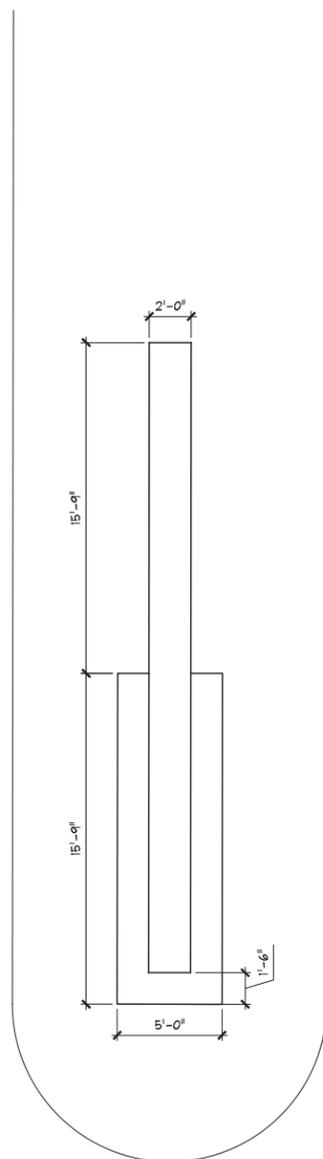
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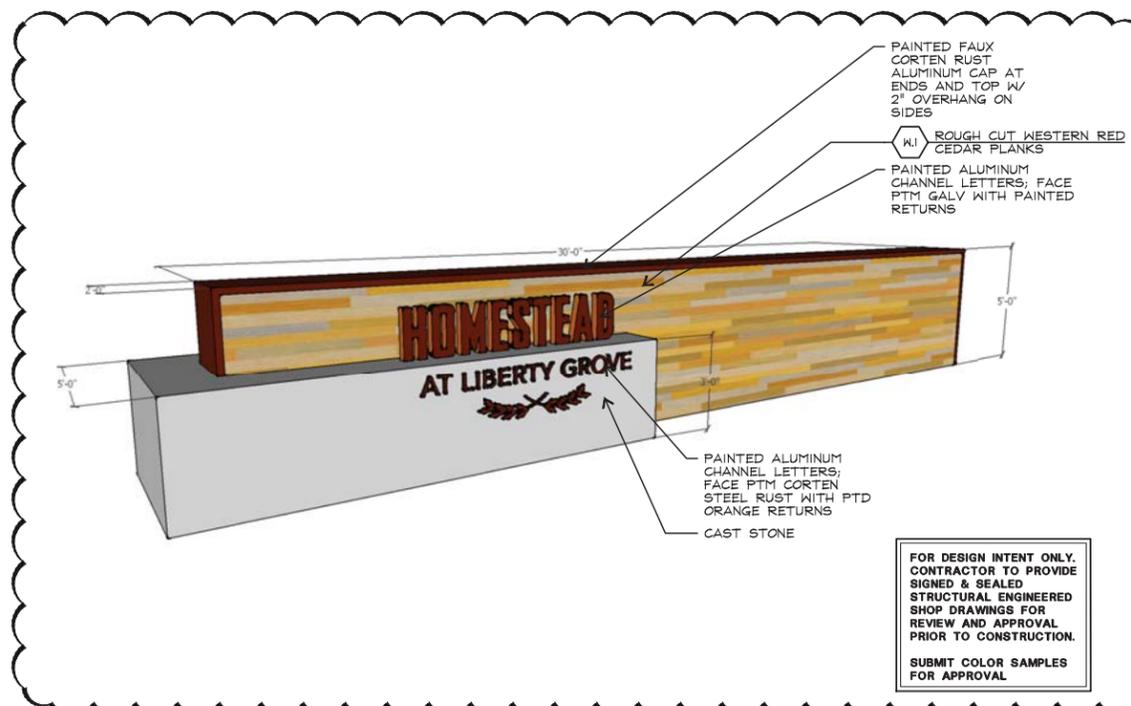
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PLAN

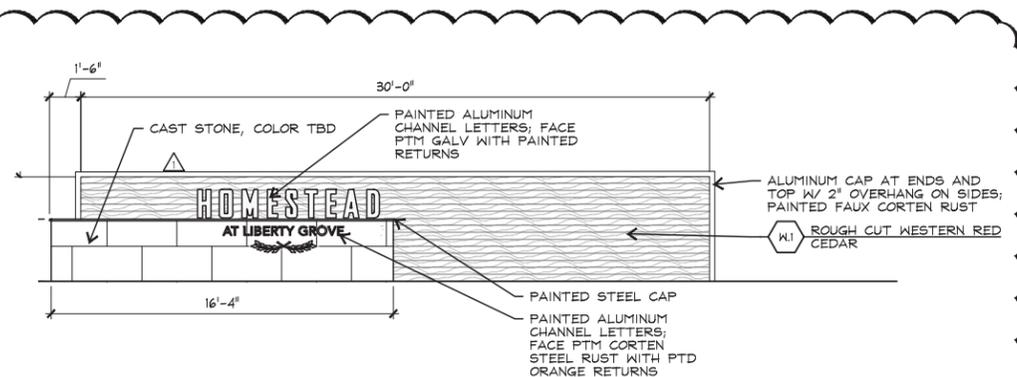
2



1 ENTRY MONUMENT SIGN  
 PERSPECTIVE

NOT TO SCALE

2



MENT SIGN

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





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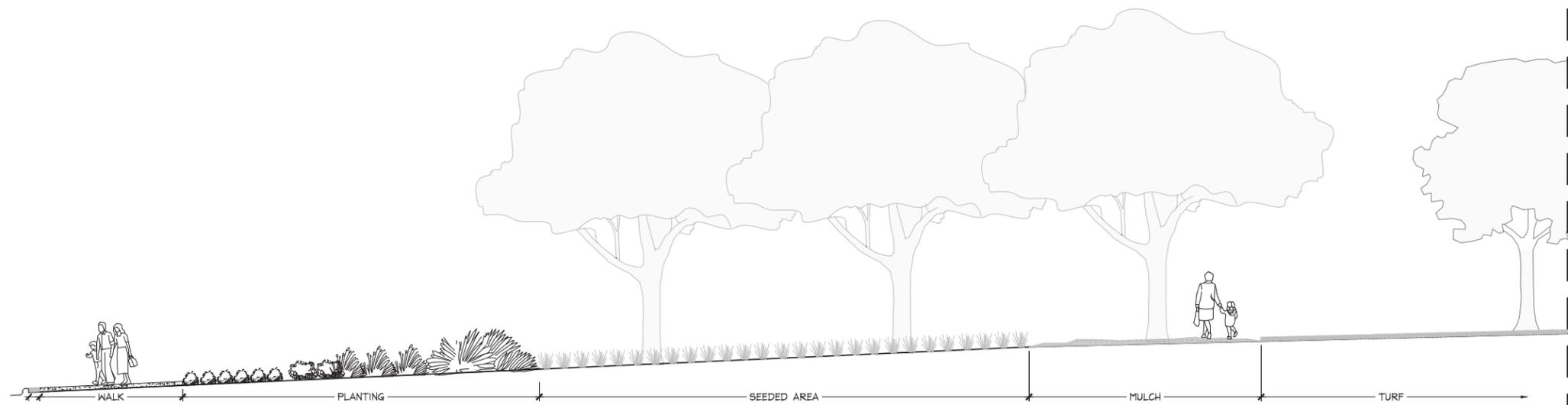
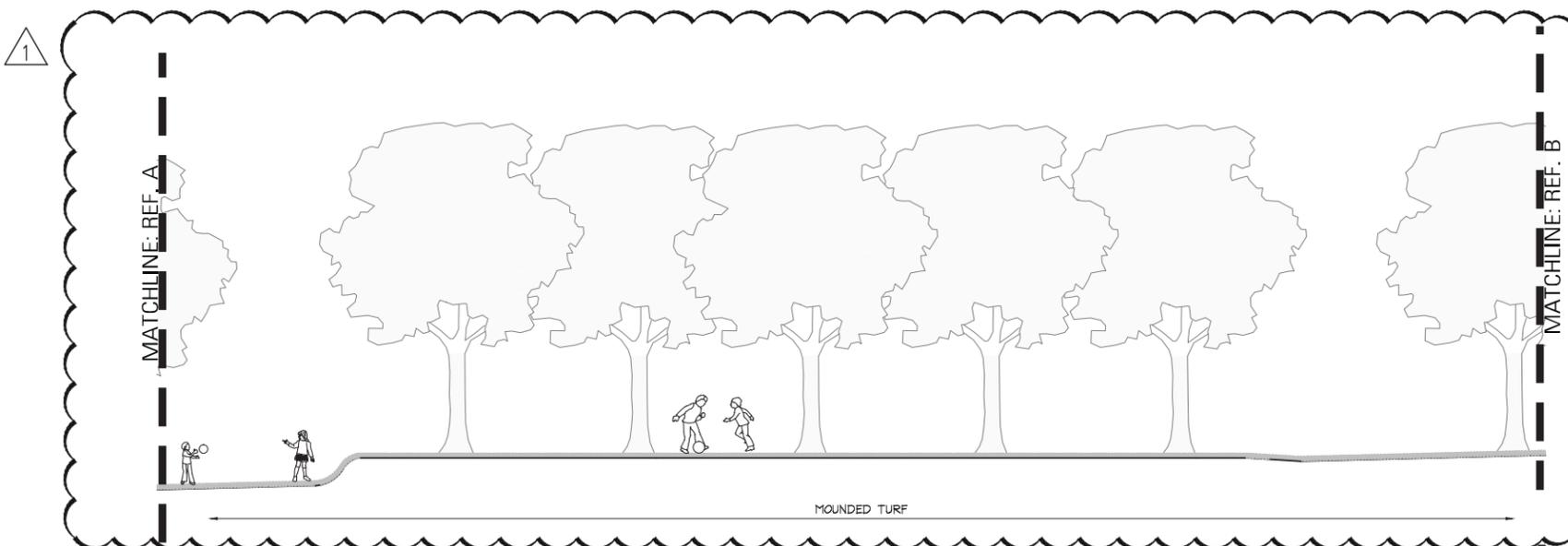
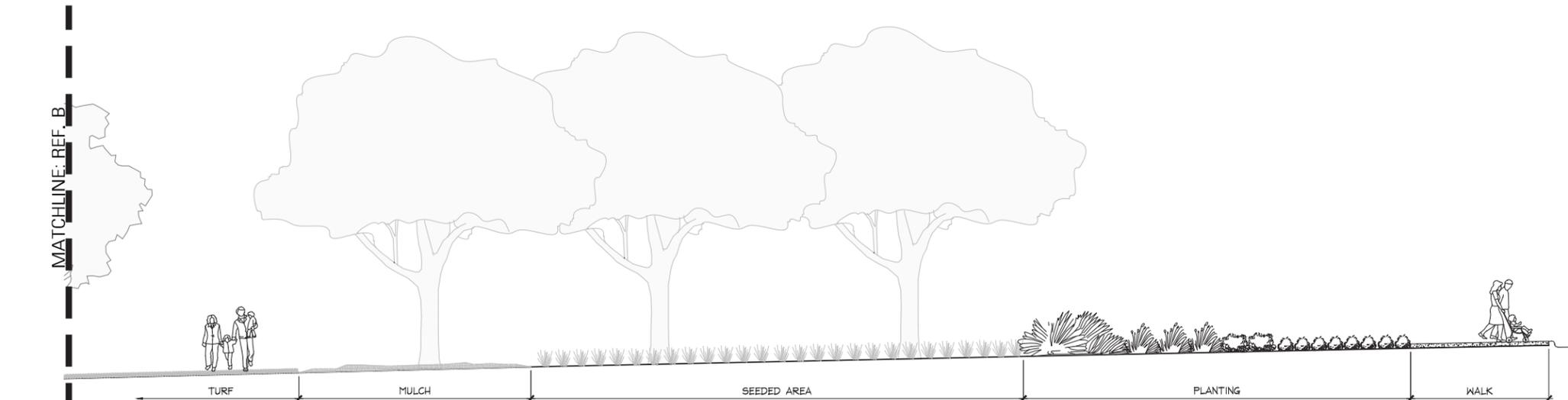
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**1** PARK SECTION  
 ELEVATION

SCALE: 3/16"=1'-0"

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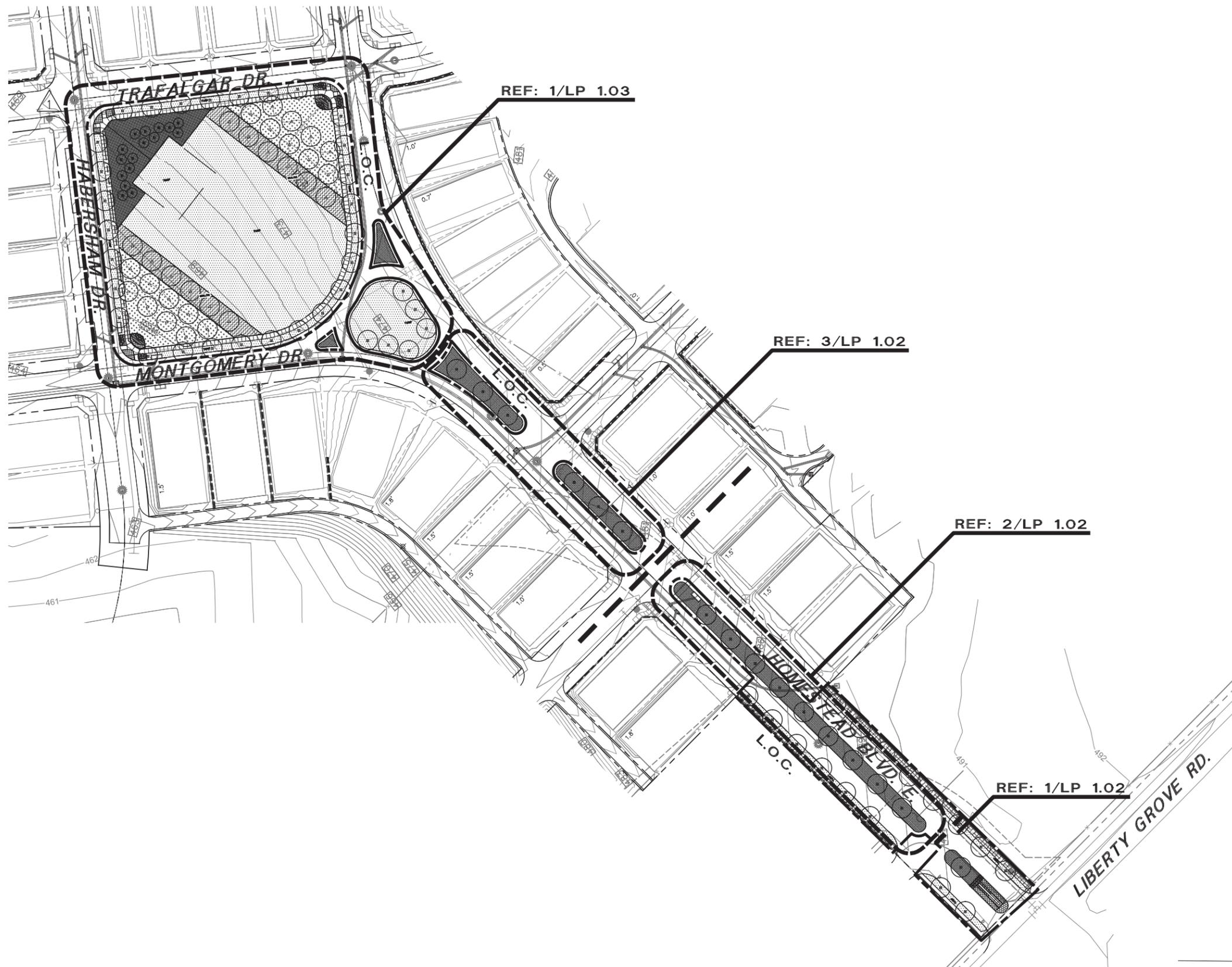
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**1** ENTRANCE PLANTING ORIENTATION PLAN  
 PLAN





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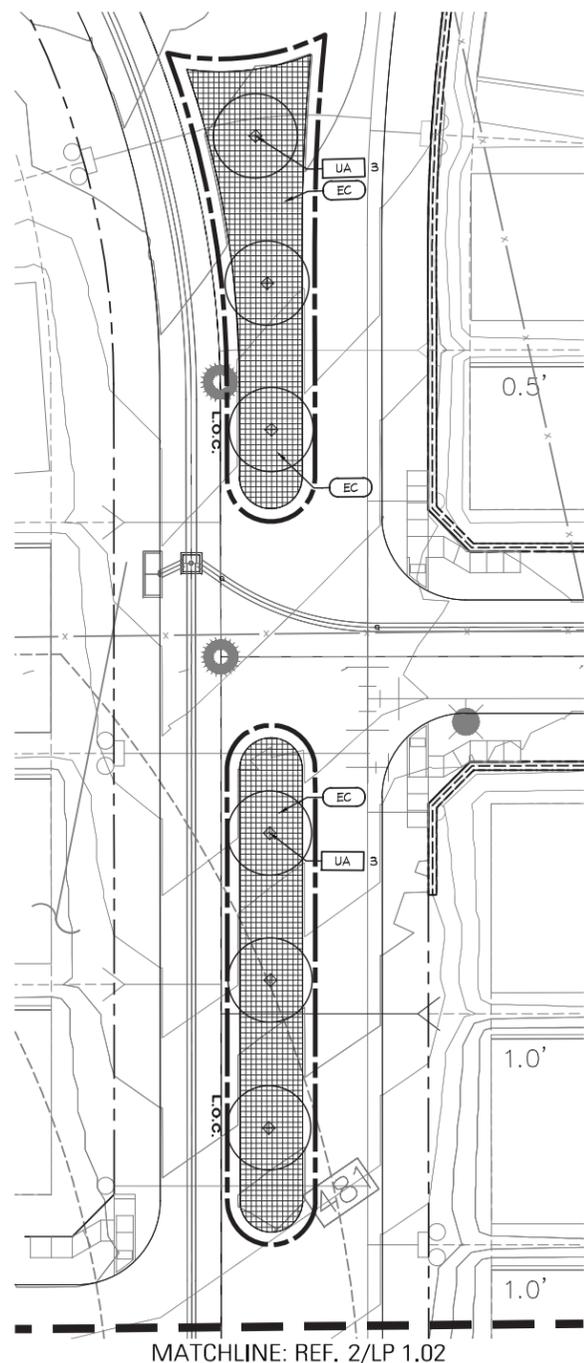
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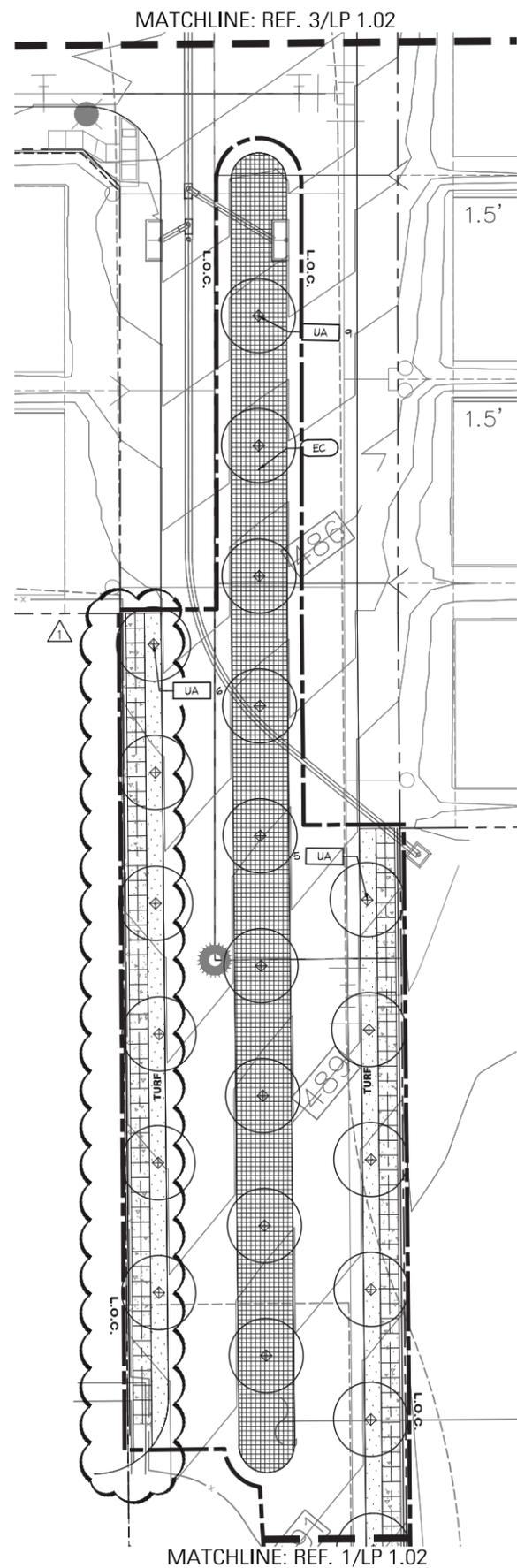
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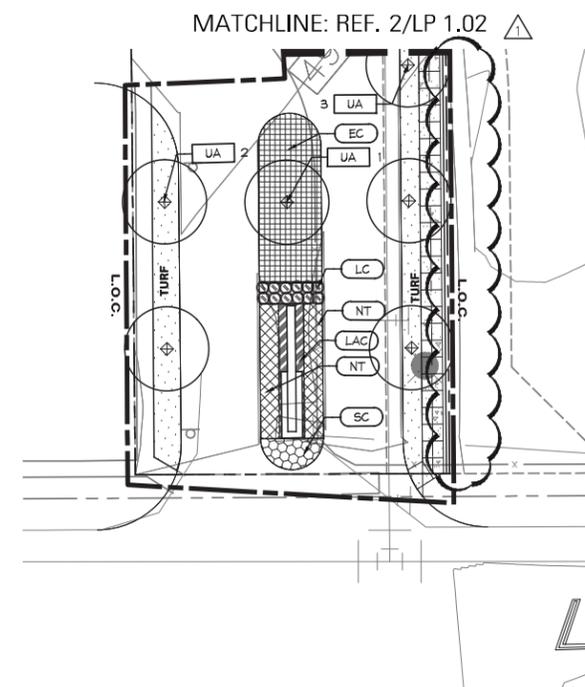
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**3** PLANTING PLAN  
 PLAN SCALE: 1"=20' NORTH



**2** PLANTING PLAN  
 PLAN SCALE: 1"=20' NORTH



**1** PLANTING PLAN  
 PLAN SCALE: 1"=20' NORTH





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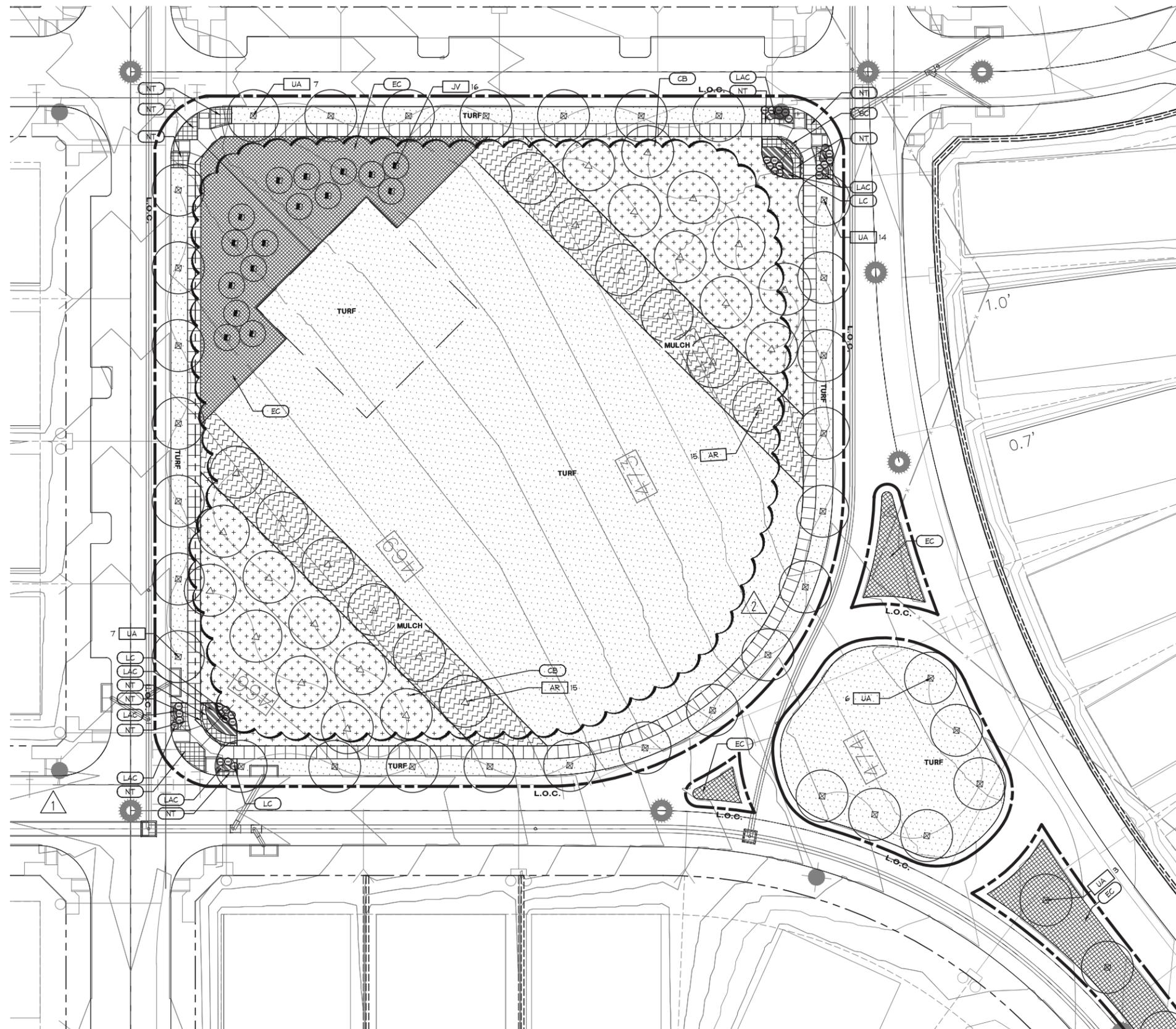
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**1** PLANTING PLAN  
 PLAN



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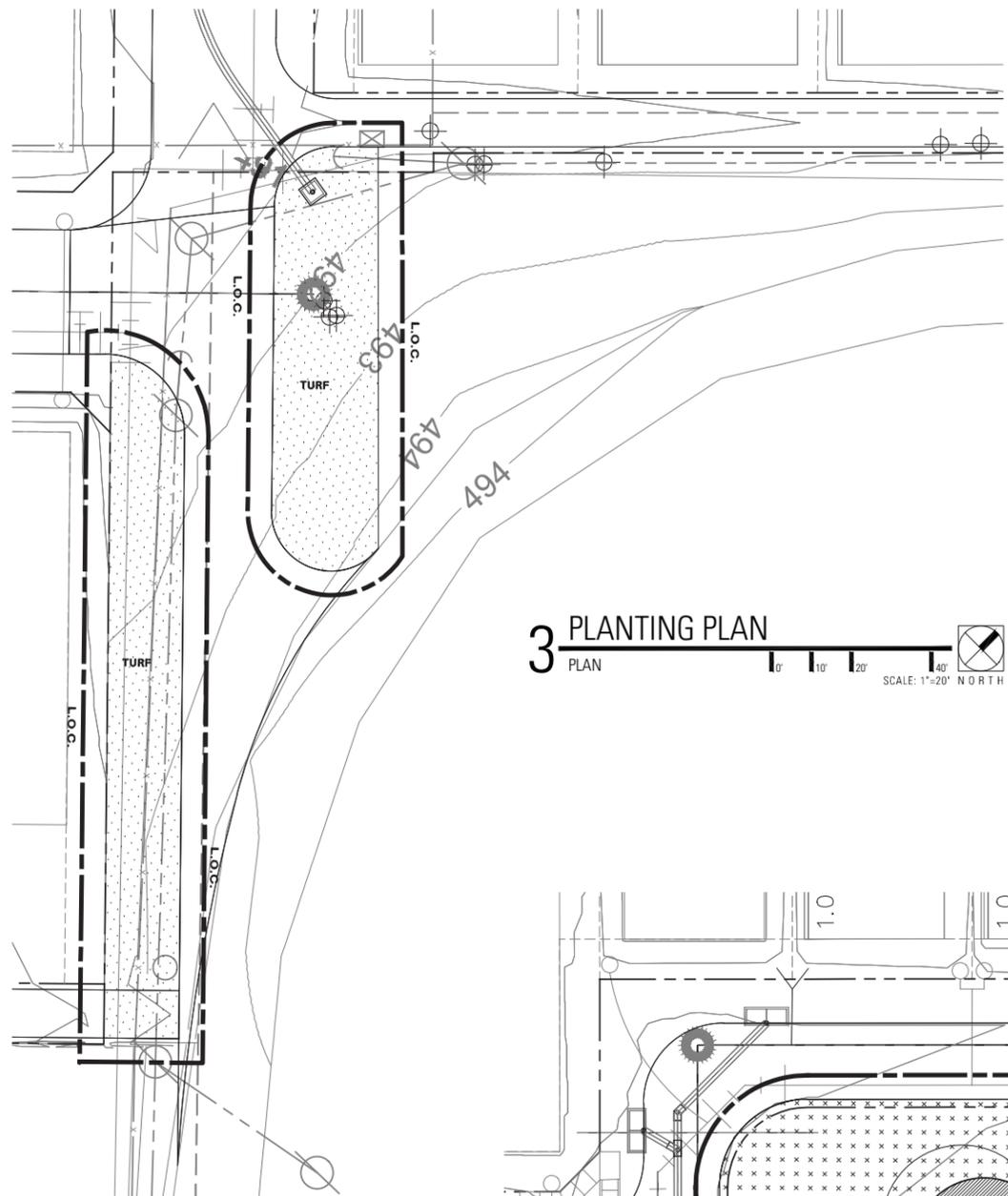
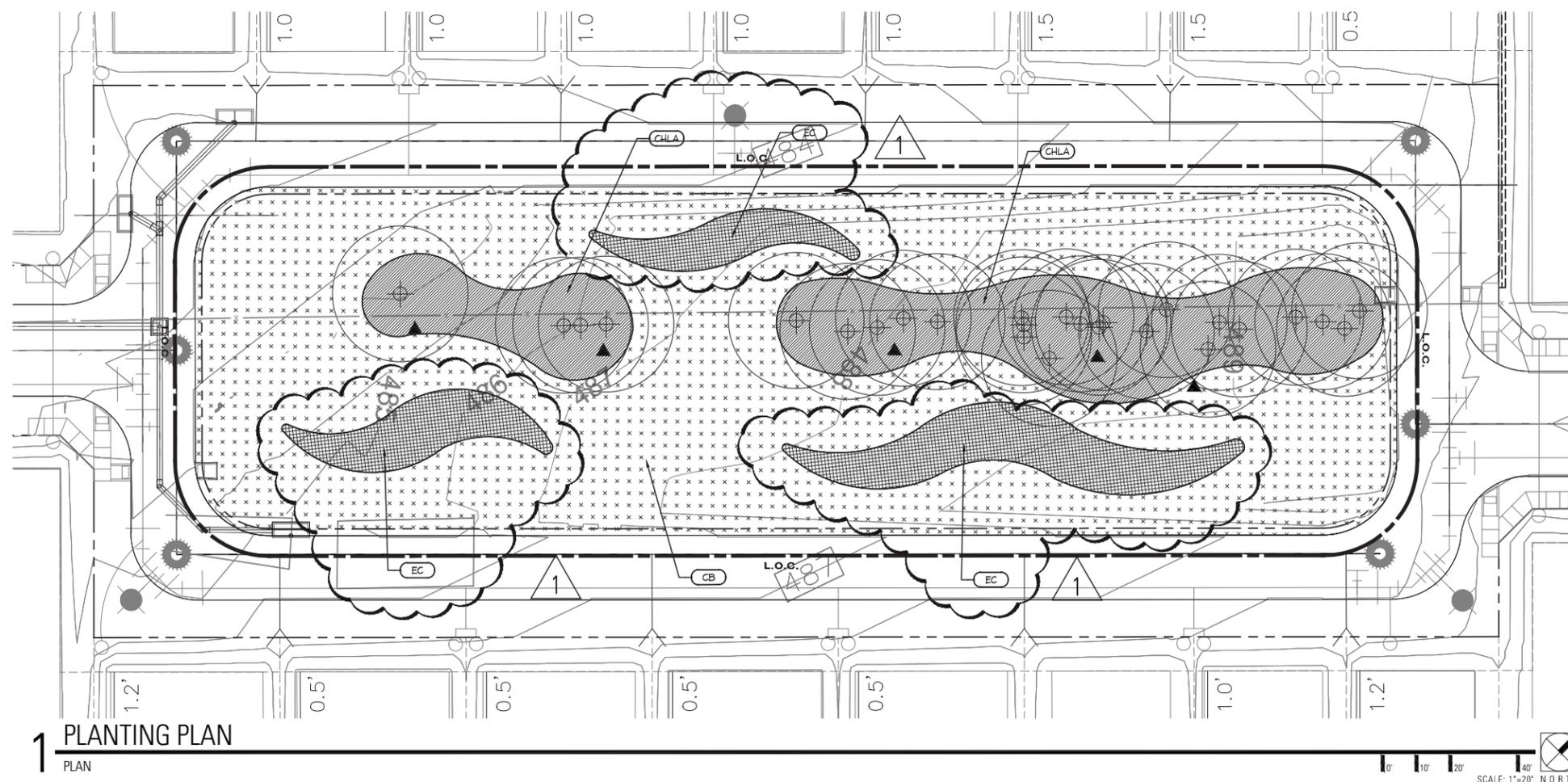
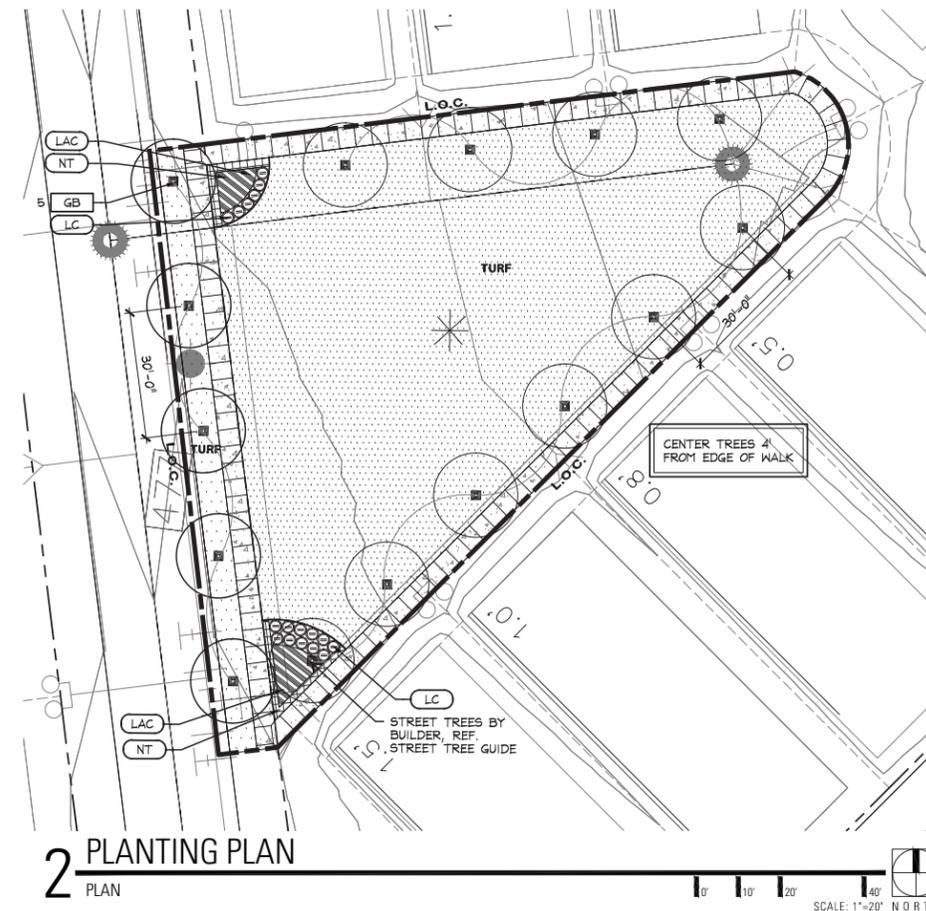
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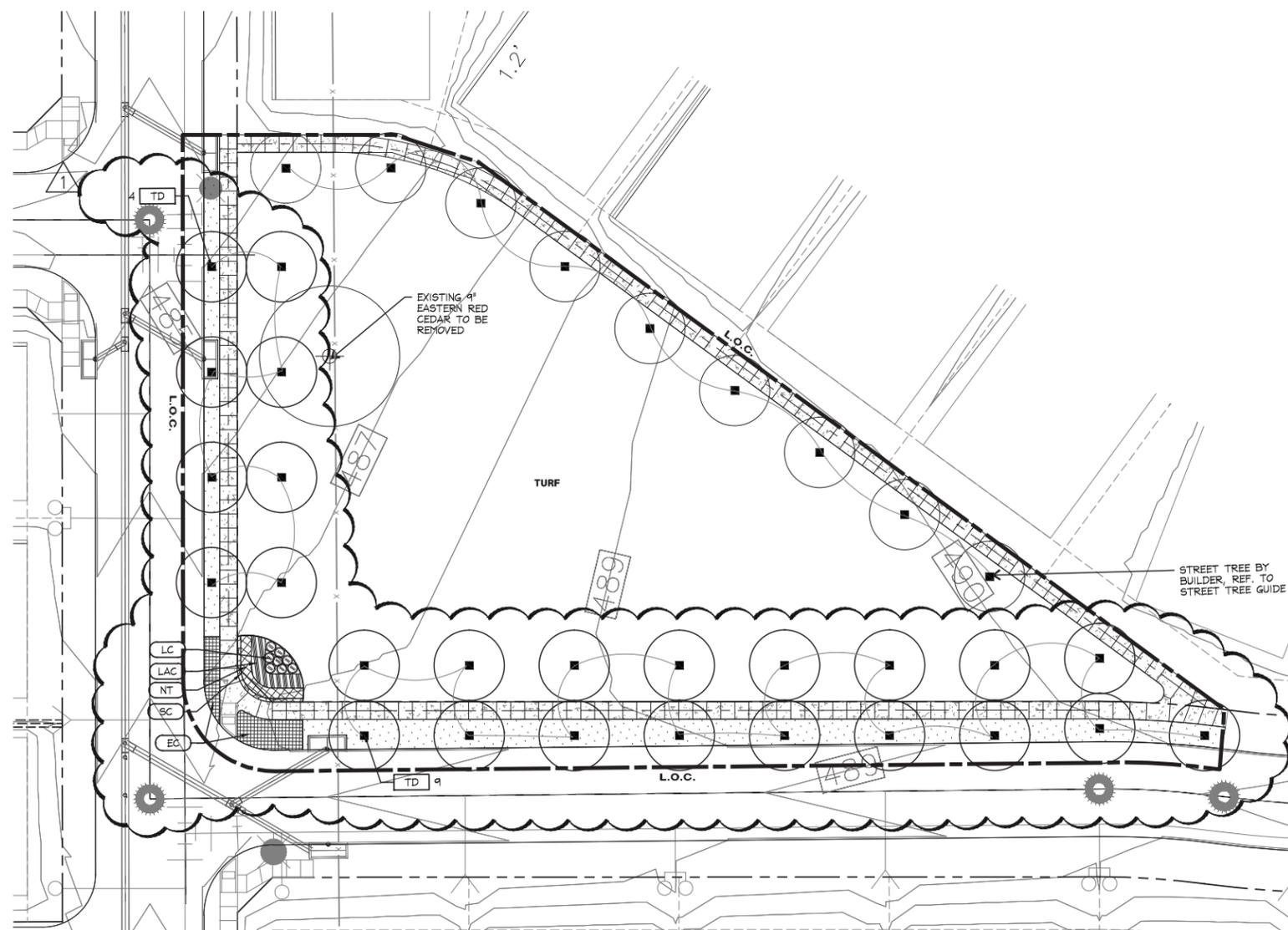
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**1 PLANTING PLAN**  
 PLAN





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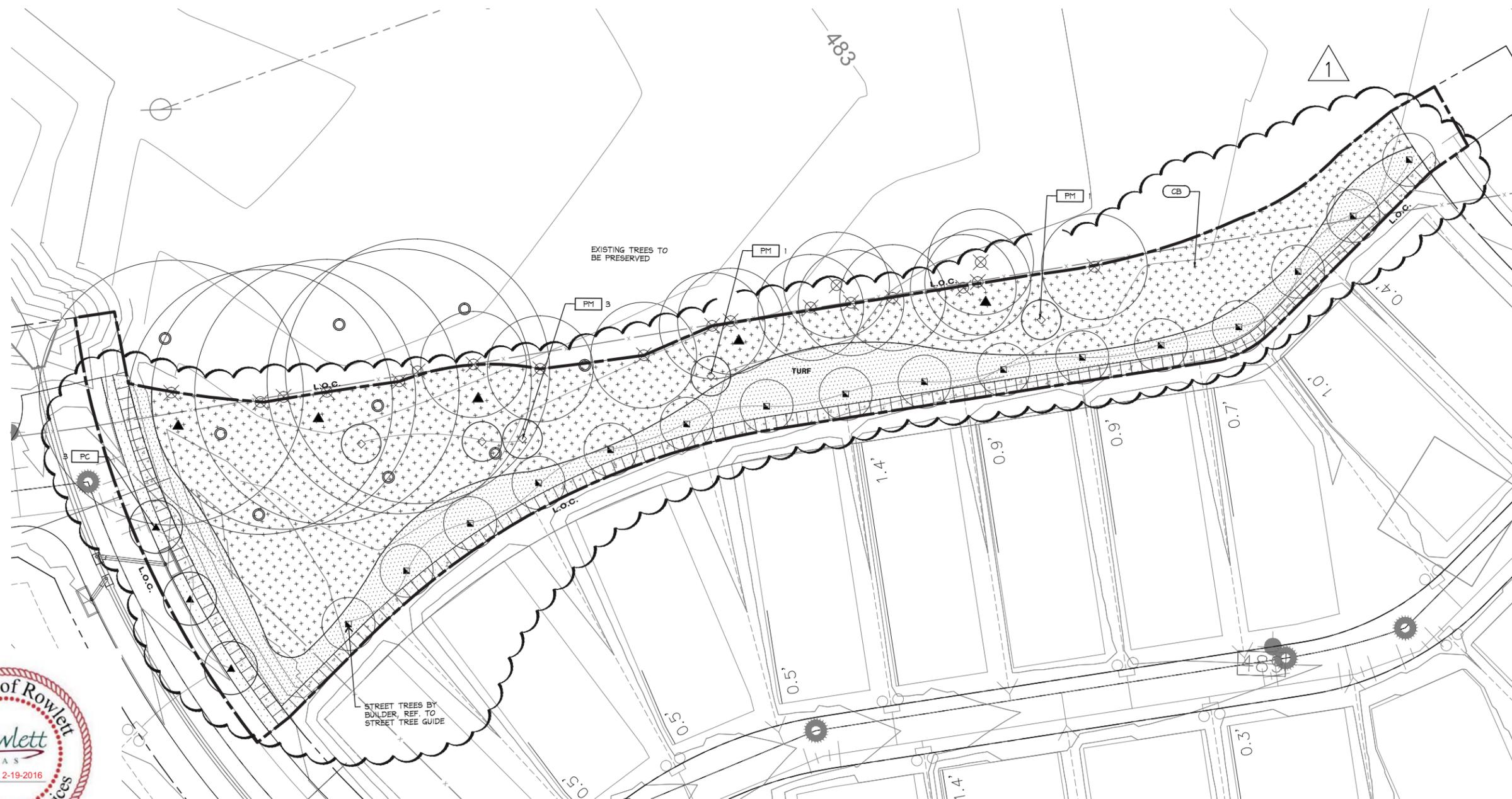
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3K PLAN

0' 10' 20' 40'  
 SCALE: 1"=20' NORTH



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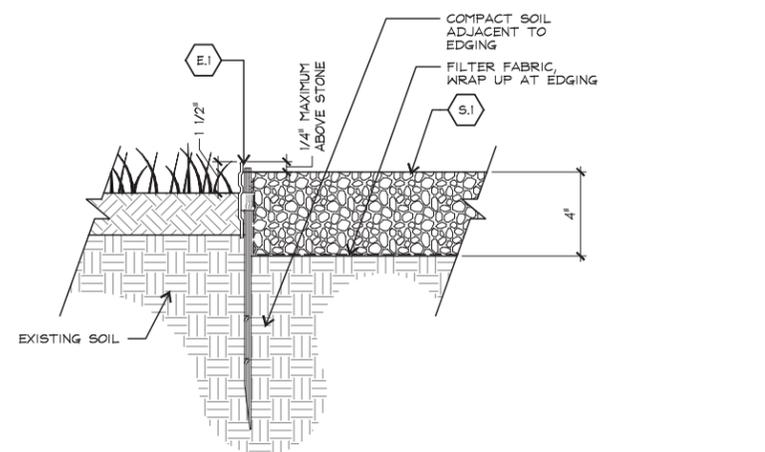
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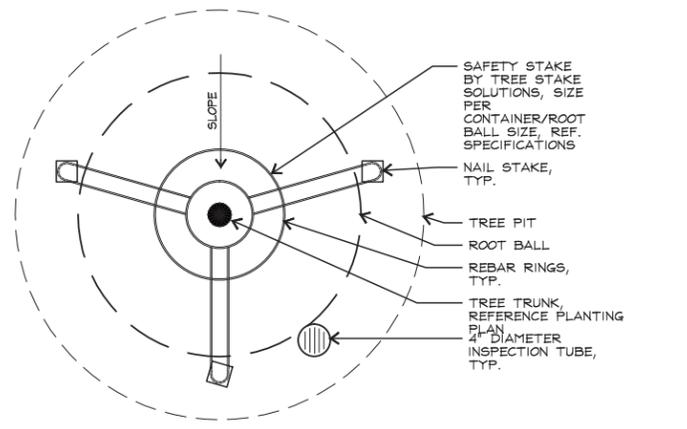
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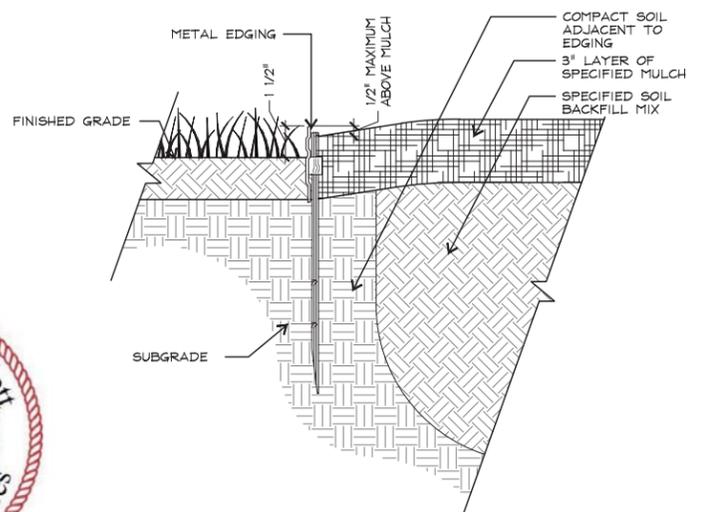
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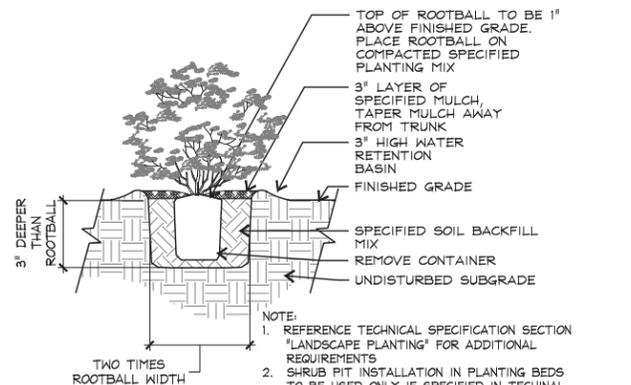
**9 EDGING AT PLANTING & DECORATIVE STONE**  
 SECTION NOT TO SCALE



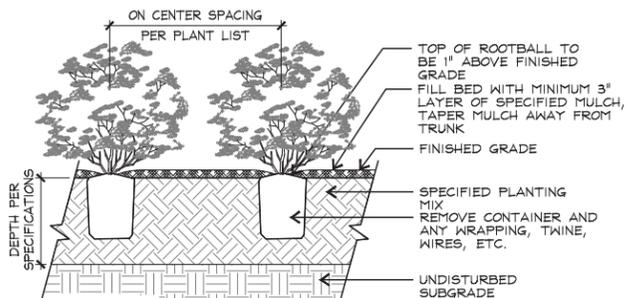
**8 TYPICAL TREE STAKING**  
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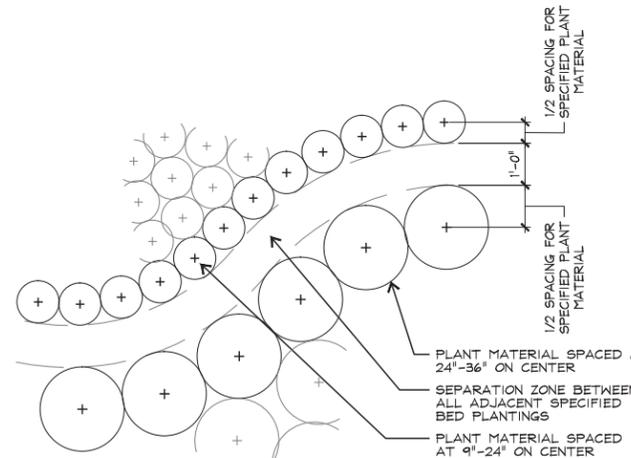
**METAL EDGING AT PLANTING & LAWN**  
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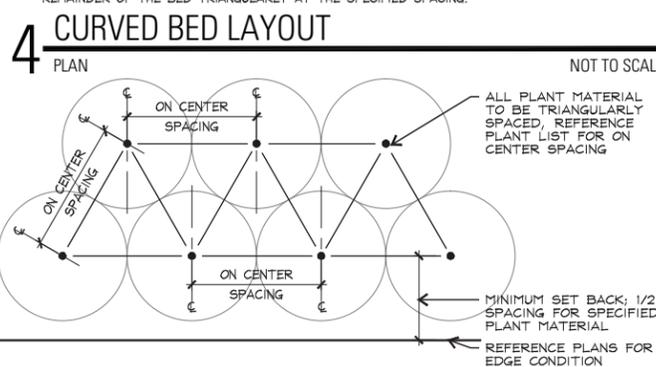
**6 SHRUB PIT PLANTING**  
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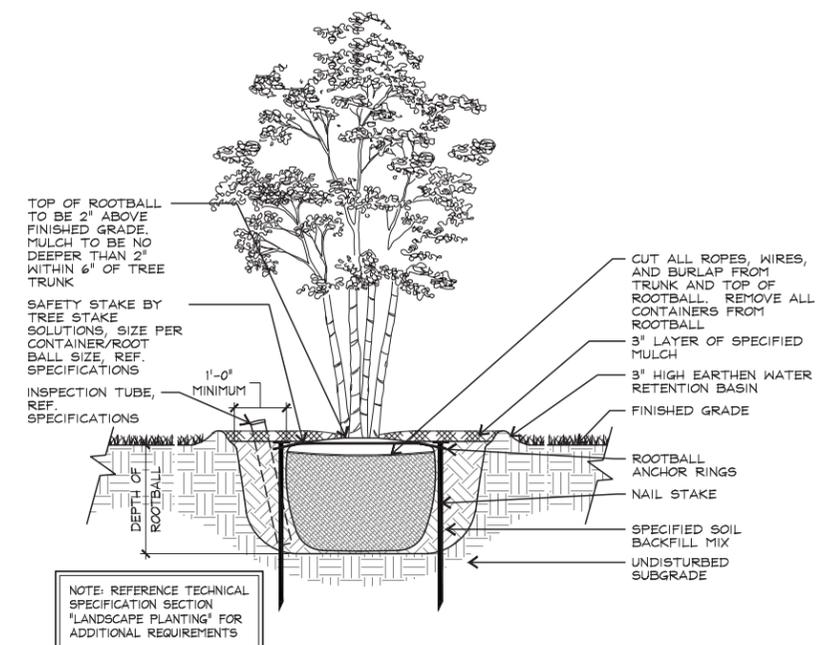
**5 SHRUB BED PLANTING**  
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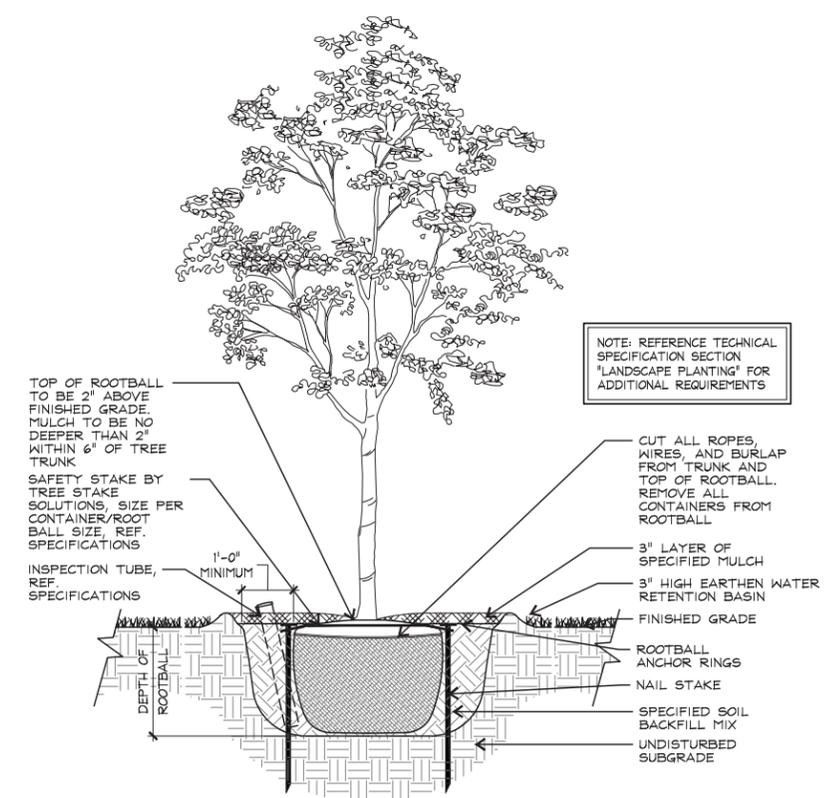
**4 CURVED BED LAYOUT**  
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**3 PLANT SPACING DIAGRAM**  
 PLAN NOT TO SCALE



**2 TREE PLANTING - MULTI TRUNK**  
 SECTION NOT TO SCALE



**1 TREE PLANTING - STANDARD TRUNK**  
 SECTION NOT TO SCALE

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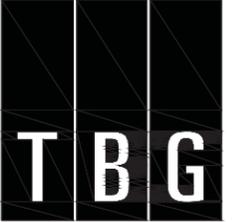
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 SCHEDULE**

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PLANT LIST					
<b>SHADE TREES</b>					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	AR	OCTOBER GLORY MAPLE	ACER RUBRUM 'OCTOBER GLORY'	4" CAL. 8MB 18' HT.	6' CLEAR TRUNK, FULL CANOPY, STRAIGHT TRUNK
	GB	GINKGO	GINKGO BILOBA	3" CAL.	FULL CANOPY, STRAIGHT TRUNK
	PC	CHINESE PISTACHE	PISTACIA CHINENSIS	13' MIN. HT.; 6' MIN. SPREAD; 100 GAL	SINGLE TRUNK, CONTAINER GROWN; FULL CANOPY
	TD	BALD CYPRESS	TAXODIUM DISTICHUM	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
	UA	PRINCETON ELM	ULMUS AMERICANA 'PRINCETON'	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
	UP	LACEBARK ELM	ULMUS PARVIFOLIA	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
<b>ORNAMENTAL TREES</b>					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	JV	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	8' HT.	FULL TO GROUND
	PM	MEXICAN PLUM	PRUNUS MEXICANA	2" CAL., 30 GAL. 8' HT.	FULL CANOPY
<b>SHRUBS, ORNAMENTAL GRASSES, AND VINES</b>					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	LC	CHINESE FRINGE FLOWER	LOROPETALUM CHINENSE	5 GAL. @ 36" O.C.	FULL
<b>PERENNIALS, GROUNDCOVERS, AND ANNUALS</b>					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	LAC	LANTANA	LANTANA CAMERA 'NEW GOLD'	1 GAL. @ 18" O.C.	FULL
	NT	MEXICAN FEATHER GRASS	NASSELLA TENUSSIMA	1 GAL.	FULL
	SC	SEASONAL COLOR	NONE	4" POTS	None
<b>TURF GRASS AND SEED MIXES</b>					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	AT	BUTTERFLYWEED	ASCLEPIAS TUBEROSA	----	SEED
	CB	COSTAL BERMUDA	NONE	NONE	HYDROMULCH
	GHLA	INLAND SEA OAKS	CHASMANTHIUM LATIFOLIUM	NONE	HYDROMULCH
	EC	WEeping LOVE GRASS	ERAGROSTIS CURVULA	NONE	HYDROMULCH
	MULCH	NONE	NONE	NONE	3" LAYER SHREDDED HARDWOOD MULCH OVER FILTER FABRIC
	NATY2	NATIVE TEXAS MIX	NONE	NONE	HYDROMULCH SOURCE: NATIVE AMERICAN SEED 1-300-728-4043 SEED RATE: 2LB. PER 2000 SQFT. PLUS THUNDER TURF @ SEED RATE 3LB. PER 1000 SQFT. AS BASE GRASS.
	TURF	BERMUDA GRASS	CYNODON DACTYLON	NONE	HYDROMULCH





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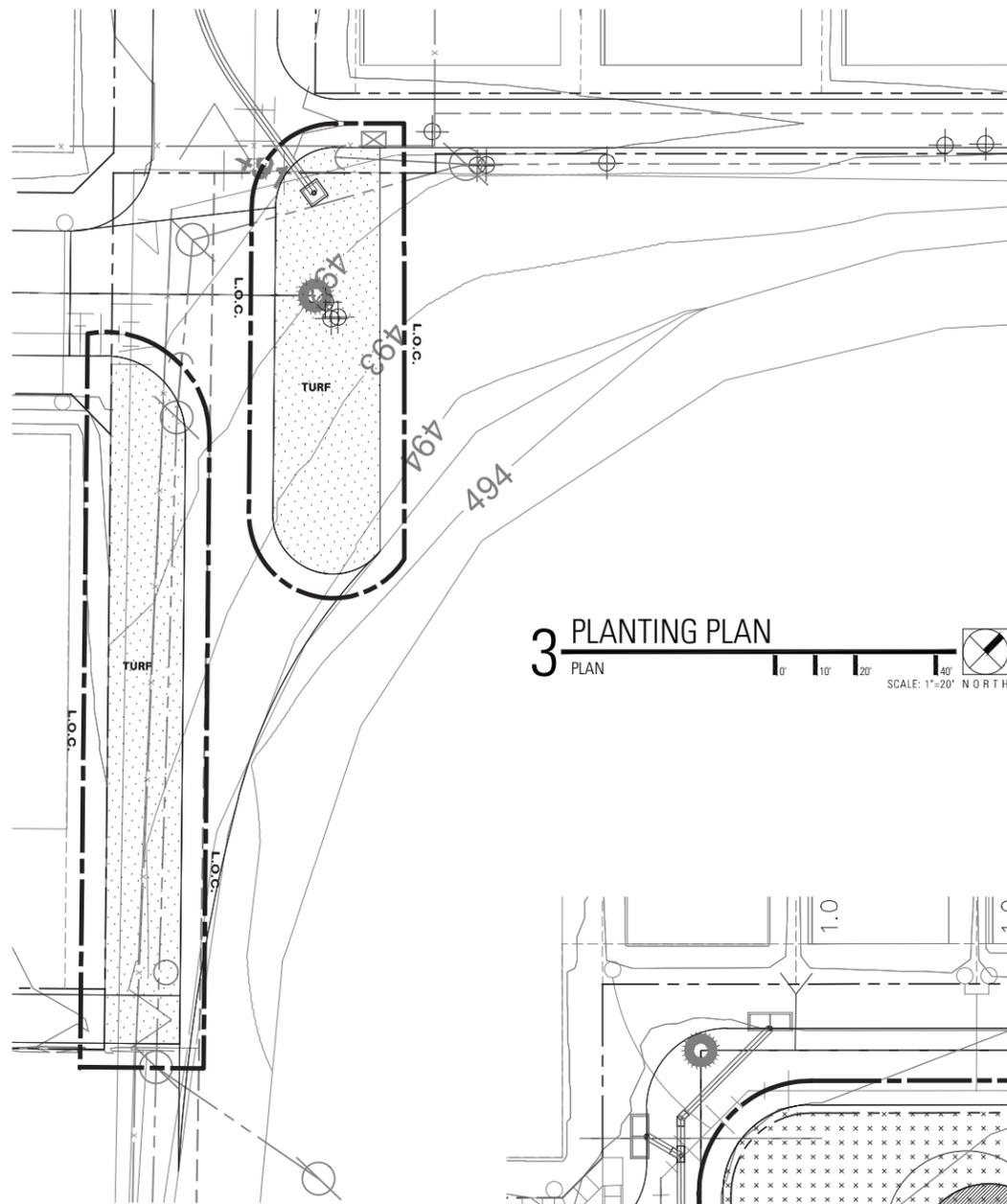
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Sheet Title:  
**PLANTING  
 SCHEDULE**

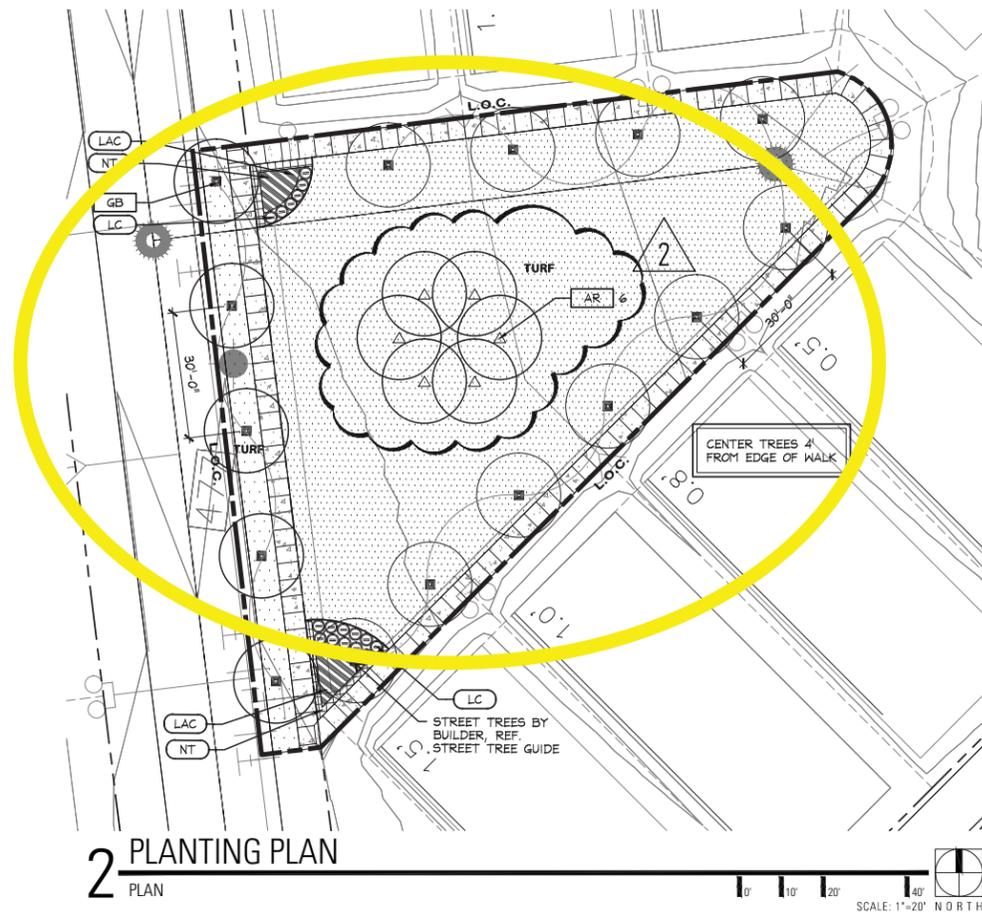
Sheet Number:  
**LP 3.02**

PLANT LIST					
SHADE TREES					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	AR	OCTOBER GLORY MAPLE	ACER RUBRUM 'OCTOBER GLORY'	3" CAL. 8" B&B 12' HT.	6' CLEAR TRUNK, FULL CANOPY, STRAIGHT TRUNK
	GB	GINKGO	GINKGO BILOBA	3" CAL.	FULL CANOPY, STRAIGHT TRUNK
	PC	CHINESE PISTACHE	PISTACIA CHINENSIS	13" MIN. HT.; 6' MIN. SPREAD; 100 GAL	SINGLE TRUNK, CONTAINER GROWN; FULL CANOPY
	TD	BALD CYPRESS	TAXODIUM DISTICHUM	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
	UA	PRINCETON ELM	ULMUS AMERICANA 'PRINCETON'	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
	UP	LACEBARK ELM	ULMUS PARVIFOLIA	3" CAL. 65 GAL. CONTAINER GROWN	FULL CANOPY, STRAIGHT TRUNK
ORNAMENTAL TREES					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	JV	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	8' HT.	FULL TO GROUND
	PM	MEXICAN PLUM	PRUNUS MEXICANA	2" CAL., 30 GAL. 8' HT.	FULL CANOPY
SHRUBS, ORNAMENTAL GRASSES, AND VINES					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	LC	CHINESE FRINGE FLOWER	LOROPETALUM CHINENSE	5 GAL. @ 36" O.C.	FULL
PERENNIALS, GROUNDCOVERS, AND ANNUALS					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	LAC	LANTANA	LANTANA CAMERA 'NEW GOLD'	1 GAL. @ 18" O.C.	FULL
	NT	MEXICAN FEATHER GRASS	NASSELLA TENUISSIMA	1 GAL.	FULL
	SC	SEASONAL COLOR	NONE	4" POTS	None
TURF GRASS AND SEED MIXES					
GRAPHIC	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
	AT	BUTTERFLYWEED	ASCLEPIAS TUBEROSA	----	SEED
	CB	COSTAL BERMUDA	NONE	NONE	HYDROMULCH
	GHLA	INLAND SEA OAKS	CHASMANTHIUM LATIFOLIUM	NONE	HYDROMULCH
	EC	WEeping LOVE GRASS	ERAGROSTIS CURVULA	NONE	HYDROMULCH
	MULCH	NONE	NONE	NONE	3" LAYER SHREDDED HARDWOOD MULCH OVER FILTER FABRIC
	NATY2	NATIVE TEXAS MIX	NONE	NONE	HYDROMULCH SOURCE: NATIVE AMERICAN SEED 1-300-728-4043 SEED RATE: 2LB. PER 2000 SQFT. PLUS THUNDER TURF @ SEED RATE 3LB. PER 1000 SQFT. AS BASE GRASS.
	TURF	BERMUDA GRASS	CYNODON DACTYLON	NONE	HYDROMULCH

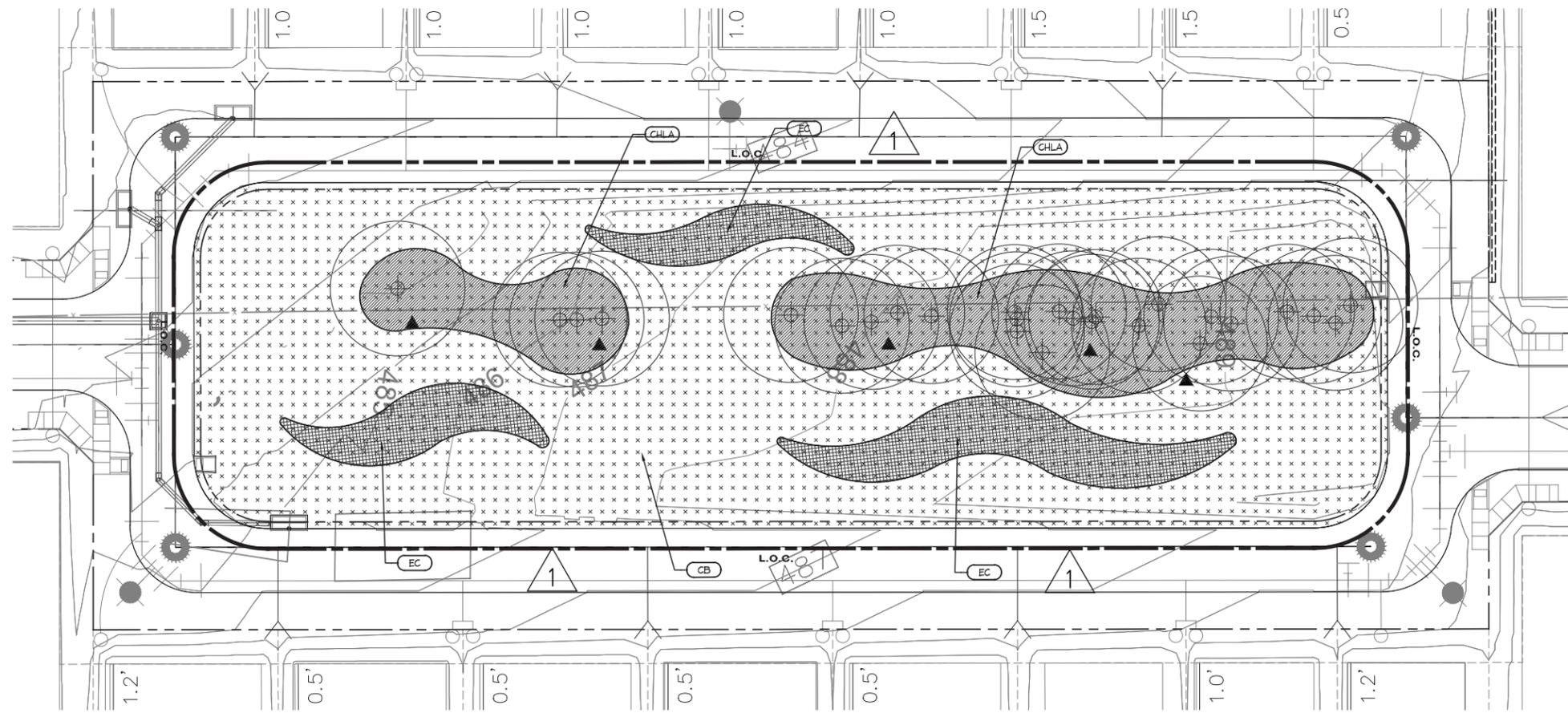
Z:\Tbg\Liberty Grove\Phase One (D14459)\04 CD\Sheets\04-LP-D14459-LP1-04.dwg



**3** PLANTING PLAN  
PLAN  
SCALE: 1"=20' NORTH



**2** PLANTING PLAN  
PLAN  
SCALE: 1"=20' NORTH



**1** PLANTING PLAN  
PLAN  
SCALE: 1"=20' NORTH

**EXHIBIT A**



Landscape Architects • Planners  
5307 East Mockingbird Lane, Suite 120  
Dallas, Texas 75206  
(214) 744-0757 Fax: (214) 744-6785  
Austin • Dallas • Fort Lauderdale  
Fort Worth • Houston • San Antonio • Tulsa

Project:  
**HOMESTEAD  
AT  
LIBERTY GROVE  
PHASE 1**

**ROWLETT, TEXAS**

Project Number:  
**D14459**



Designed: JD  
Drawn: AR  
Reviewed: JD, MM

Date Issued:  
August 4, 2015

Revisions:  
▲ 2016.01.28 OWNER'S REVISIONS  
▲ 08-18-2016

Sheet Title:  
**PLANTING  
PLAN**

Sheet Number:  
**LP 1.04**

Homestead at Liberty Grove, Rowlett TX  
 Street Tree and Open Space Tree Caliper Summary

8/18/2016

Street Trees				Open Space Trees			
Type:	Caliper- in	Number	Caliper Total	Type:	Caliper-in	Numeber	Caliper Total
Princeton Elm	3.25	1	3.25	October Glory Maple	4.00	1	4
Princeton Elm	3.00	12	36	October Glory Maple	3.75	4	15
Princeton Elm	2.75	41	112.75	October Glory Maple	3.50	15	52.5
Princeton Elm	2.50	13	32.5	October Glory Maple	3.25	7	22.75
Ginko	4.00	2	8	October Glory Maple	3.00	3	9
Ginko	3.50	2	7	Bald Cypress	3.50	5	17.5
Ginko	3.00	1	3	Bald Cypress	3.25	4	13
Bald Cypress	3.75	1	3.75	Bald Cypress	3.00	3	9
Bald Cypress	3.50	4	14	Total		42	142.75
Bald Cypress	3.25	5	16.25				
Bald Cypress	3.00	3	9				
Chinese Pistach	4.00	1	4				
Chinese Pistach	3.50	1	3.5				
Chinese Pistach	3.25	1	3.25				
Total		88	256.25				

Street Tree Total

Required	264
Actual	256.25
Deficit	-7.75

Open Space Total

Required	126
Actual	142.75
Surplus	16.75

**Total Surplus Combined**

Required Total	390 in
Actual Total	399 in
Added Total *	18 in
Total Surplus	27 in

\* Will add six additional 3in caliper October Glory Maples to bring surplus to 27"



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 11/15/2016

**AGENDA ITEM:** 8B

**TITLE**

Conduct a public hearing and take action on a request for an amendment to an existing Planned Development District to allow a commercial office center use by way of Special Use Permit (SUP), in a portion of the PD district that retains an underlying zoning of Limited Commercial/Retail (C-1), for property located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. (SUP163-2016)

**STAFF REPRESENTATIVE**

Katy Goodrich, MPA, Planner I

**SUMMARY**

The applicant is requesting a Special Use Permit (SUP) to allow the construction of an office complex (Exhibit C – Concept Plan). Per the Rowlett Development Code (RDC), an office complex requires an SUP in the Limited Commercial/Retail (C-1) Zoning District.

The Planning and Zoning Commission recommended approval 6-1 (Alternate Kim Clark dissented) of this item at their October 25, 2016, regular meeting. The item was discussed under Item C2, which can be viewed at the following link: <http://rowlettx.swagit.com/play/10252016-2209/#2>.

**BACKGROUND INFORMATION**

The applicant, Dayton Macatee with Macatee Engineering, is requesting an SUP to allow a Commercial Office Center at 8409 Chiesa Road. This property is currently undeveloped and the applicant will only be developing the southwest corner of the property (Attachment 2 – Location Map). Mr. Macatee is proposing a Commercial Office Center with four, 4,500 square-foot, twenty-six feet in height, one-story buildings. A Commercial Office Center requires an SUP in the C-1 zoning district, which is the underlying zoning for the Planned Development 007-07.

This Commercial Office Center would be used by professional businesses in Rowlett. Per Section 77-1103.C.6.b of the Rowlett Development Code (RDC) it would be considered a “Single-phase office building or office complex with less than 100,000 square feet”. The RDC defines office complexes as follows:

*Office uses are characterized by activities generally focusing on business, professional, insurance, or financial services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specifically, office complexes are a complex of 2 or more buildings used primarily for conducting the affairs of a business,*

*profession, service or industry, or like activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales.*

Per Table 3.1-1 of the RDC, an SUP is required for a “Single-phase office building or office complex with less than 100,000 square feet” in the portion of Planned Development 007-07 with an underlying zoning of C-1. This SUP will only allow the development of an office complex. The individual uses will continue to be subject to the use table found in the RDC for C-1 zoning. Approving this SUP will not allow another use that requires an SUP.

## **POLICY EXPLANATION**

The approval criteria for a Special Use Permit are outlined in Section 77-206 of the Rowlett Development Code. Staff recommends that the City Council consider the request based on these approval criteria as detailed below. Staff has added additional commentary in bold italics beneath each point of consideration where applicable.

*Section 77-206.D. Approval Criteria.* Recommendations and decisions on Special Use Permits shall be based on consideration of the following criteria:

1. The proposed Special Use Permit is consistent with the Comprehensive Plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

***The subject property is located within Woodside Living, one of the 13 opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. However, during Phase II of Realize Rowlett 2020 Comprehensive Plan amendment, this area was recognized as an area where the subject property would develop under the existing commercial zoning. As a result, the subject property was not intended to be included in a future form-based code district. The Guiding Principles and existing zoning should guide development.***

***The most relevant principles to this zoning request are the principles of “Value existing neighborhoods” and “Grow the City’s economy through diversification of jobs and business opportunities.” This request will value the existing neighborhood because it is not expected to adversely impact the surrounding neighborhoods due to the fact that it will be mandatory to meet all applicable code requirements including, but not limited to landscaping, to lighting, to building heights and architectural requirements. This proposal is expected to grow the City’s economy by allowing an office development that will provide additional professional employment opportunities within the City.***

2. The proposed Special Use Permit is consistent with the purpose and intent of the zoning district in which it is located;

***This property is zoned Planned Development 007-07, with an underlying zoning of C-1. The property that is under review for a Special Use Permit was intended to be a***

**commercial use. An office complex is allowed with a Special Use Permit and meets the criteria for the C-1 Zoning District.**

**The C-1 Zoning District is intended for the conduct of retail trade and personal service uses to meet the needs for the convenience of the community. These shops and stores may be an integral part of the neighborhood closely associated with residential uses. Due to this office complex being one story and the location of the property, it is expected that this complex will have a one to three mile trade radius, effectively keeping the complex lower impact in nature.**

**This property also fronts onto a secondary thoroughfare and will allow traffic to flow in and out of the site with low impact to the surrounding areas.**

3. Whether the proposed Special Use Permit meets the challenge of some changing condition, trend, or fact;

**The applicants are requesting a Special Use Permit to construct an office complex that meets the requirements proposed in the Rowlett Development Code. The office complex is only allowed with an SUP.**

4. Whether the proposed Special Use Permit will protect or enhance the health, safety, morals, or general welfare of the public;

**The proposal should not negatively affect the health, safety, morals or general welfare of the public. There will be adequate parking and an incompatibility buffer at the rear of the property between the commercial and residential uses. The property is located near other commercial entities, such as a veterinarian's office.**

5. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

**Adequate utilities, access roads and drainage facilities are being provided for the subject property and services will be maintained at the current levels for existing development. Although the office complex will generate more traffic, it will not generate an amount that will require a Traffic Impact Analysis (TIA), which is 100 trips per hour at peak times of the day or negatively impact the surrounding areas. According to the ITE Manual, a general office building is expected to have twenty-seven trips per hour at peak hour on average. In addition, the Merritt Road Connection is included in the Master Thoroughfare Plan. The design of this connector was included in the 2015 Bond Election and the design of the project is expected to be completed sometime in 2018. Construction would not be able to begin until funds for this project are identified and secured, but once completed it will relieve pressure from Liberty Grove.**

6. Whether the proposed Special Use Permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

***The proposed SUP is not expected to have an adverse impact on the surrounding properties in the area. The proposed structures are one story and an incompatibility buffer with landscaping will be provided between the commercial and residential uses to minimize any disturbances.***

7. The suitability of the subject property for the existing zoning and the proposed use sought by the Special Use Permit;

***This property is suitable for an office complex due to the underlying zoning of the Planned Development is C-1 and the proposed use fits the criteria required by an SUP.***

It is Staff's opinion that the request meets the criteria outlined in the RDC for an SUP. The one-story office complex is not expected to have an adverse impact on adjacent properties and will be compatible with the surrounding commercial uses that are allowed by right in the surrounding Zoning Districts. Additionally, the proposed use's location on Liberty Grove Road, a higher traffic volume corridor, is an appropriate location for an office complex and meets the intent of the C-1 Zoning District.

#### Public Notice

As required by the Rowlett Development Code, notices of this public hearing were mailed to property owners within 200 and 500 feet on October 7, 2016. A total of 17 notices were mailed to property owners within 200 feet and a total of 23 notices were mailed to property owners within 500 feet. As of November 2, 2016, no notices have been returned in favor and nine have been returned in opposition. Some of the main concerns stated in the returned public notices are reduced privacy and increased traffic. In response to the privacy concern, this development will have a masonry wall incompatibility buffer, as well as landscaping. This will reduce the amount of visibility that can be seen from the residences behind the office complex. In response to traffic, as stated earlier in the report, although traffic will increase, it will not increase by a significant amount and is not expected to cause an adverse impact to the surrounding areas.

#### **FISCAL IMPACT**

N/A

#### **STAFF RECOMMENDATION**

Staff recommends approval of this request.

#### **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ORDINANCE NO. ORD-007-07, AND AMENDING THE EXISTING "PD" PLANNED DEVELOPMENT GRANTED THEREIN, TO GRANT A SPECIAL USE PERMIT**

**AND AUTHORIZE AND ALLOW THE DEVELOPMENT OF A COMMERCIAL OFFICE CENTER ON A 3.000+/- ACRE PORTION OF THE PLANNED DEVELOPMENT AREA ADJACENT TO LIBERTY GROVE ROAD, SOUTHWEST OF ITS INTERSECTION WITH CHIESA ROAD, LOCATED WITHIN THE LAKE VALLEY ESTATES PHASE 2 SUBDIVISION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING DEVELOPMENT AND USE STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein.

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Rowlett, Texas, and Ordinance No. ORD-007-07, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by amending the Planned Development zoning, and granting a Special Use Permit, to allow the development and use of the property described hereinafter as a commercial office complex, said property being described as a 3.000+/- acre tract of land out of an 8.212-acre portion zoned PD-C-1, of the Lake Valley Estates Phase 2 Subdivision, City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein (hereinafter the "Property"). The Property may be developed and used as an Office Complex, as defined in the Rowlett Development Code, notwithstanding the Planned Development zoning underlying designation of C-1 Limited Commercial/Retail District.

**SECTION 2.** That Article II (Commercial/Retail District") of Exhibit "C" ("Planned Development Regulations, Lake Valley Estates") of Ordinance No. ORD-007-7, duly adopted on or about March 20, 2007, be and is hereby amended (underlining designating additional language) to read as follows:

**EXHIBIT "C"**  
**Planned Development Regulations**  
Lake Valley Estates  
Rowlett, Texas

...

## **II. Commercial / Retail District**

### **1. Permitted Uses**

Property and buildings in this Planned Development District shall match exactly to those permitted uses and standards in the Limited Commercial/Retail District C 1 of the current City of Rowlett Development Code as of June 6 2006. However, a designated 3.00-acre portion of the PD – C-1 area may be used as an Office Complex as defined by the Code.”

**SECTION 3.** That the development standards and regulations set forth in the following exhibits:

Exhibit B – Zoning Exhibit;

Exhibit C – Zoning Concept Plan;

Exhibit D – Zoning Concept Plan;

all of which are attached hereto and made a part hereof, shall be applicable to all land uses, structures, the use and occupancy of all structures, and the development, construction, operation and maintenance of all improvements on the Property described herein, and the zoning change and Special Use Permit granted herein shall apply only to that part of the existing Planned Development described in Exhibit “A” hereto, and shall not affect the remaining property within the Planned Development granted by Ordinance No. ORD-007-07, which Ordinance shall otherwise remain in effect.

**SECTION 4.** That the Property shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein. The development, use and occupancy of the Property shall conform to the standards and regulations set forth in Exhibits “B” through “D”, the provisions of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. In the event of any conflict or inconsistency between the provisions of this ordinance and the provisions contained in any other provision of the Rowlett Development Code or other codes or ordinances of the City, the provisions of this ordinance shall control. In the event that this ordinance does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the Rowlett Development Code or Code of Ordinances, then the standard or regulation required by the Development Code or other ordinance shall be applied to development and use of the Property.

**SECTION 5.** That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 6.** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the comprehensive Zoning Ordinance as a whole.

**SECTION 8.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

#### **ATTACHMENTS**

Exhibit A – Legal Description

Exhibit B – Zoning Boundary

Exhibit C – Concept Plan

Exhibit D – Concept Plan

Attachment 1 – Statement of Intent

Attachment 2 – Location Map

Attachment 3 – Public Hearing Notice Responses

Attachment 4 – Site Photos

**Exhibit A**

**LEGAL DESCRIPTION  
LIBERTY GROVE OFFICE CENTER  
ZACH MOTLEY SURVEY, A-1010 &  
FRANKLIN WOOD SURVEY, A-1563  
CITY OF ROWLETT, DALLAS COUNTY, TEXAS**

BEING a 130,680 square feet or 3.00 acre tract of land situated in the Zach Motley Survey, Abstract Number A-1010, and the Franklin Wood Survey, City of Rowlett, Dallas County, Texas, and being part of that tract of land conveyed by deed to JRSC, LLC, as recorded in Instrument No. 201600066286, Official Public Records, Dallas County, Texas, (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at 5/8 inch iron rod found at the northwest corner of Lot 12, Block F, Lake Valley Estates, Phase II, an addition to the City of Rowlett according to the plat thereof recorded in Instrument Number 201100119349, Official Public Records, Dallas County, Texas, (O.P.R.D.C.T.), being in the east line of a tract of land described in deed conveyed to the City of Dallas, Texas, recorded in Volume 64, Page 1089, Deed records, Dallas County, Texas;

THENCE North 00 degrees 57 minutes 46 seconds East, along the east line of said City of Dallas tract, a distance of 335.92 feet to the approximate centerline of Liberty Grove Road (a variable width right-of-way);

THENCE North 44 degrees 45 minutes 00 seconds East, along the approximate centerline of said Liberty Grove Road, a distance of 441.08 feet to a point for a corner;

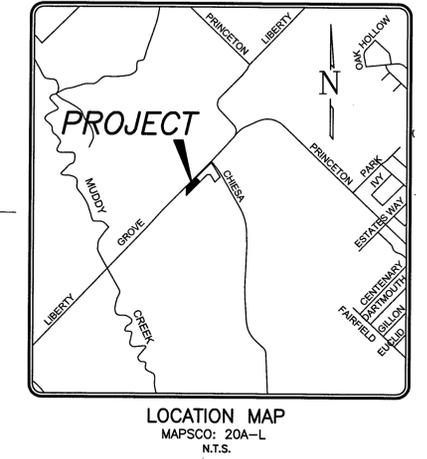
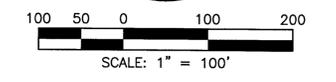
THENCE South 45 degrees 16 minutes 42 seconds East, a distance of 232.31 feet to 1/2 inch capped iron rod stamped "5596" found for corner, said point being in the north line of said Lake Valley Estates, Phase II;

THENCE South 44 degrees 44 minutes 17 seconds West, along the north line of said Lake Valley Estates, Phase II, a distance of 683.70 feet to the POINT OF BEGINNING a containing 130,680 square feet or 3.00 acres of land more or less.

*Candy Hone, RPLS 9/15/2016*  
Candy Hone  
Registered Professional Land Surveyor No. 5867  
Votex Surveying Company Firm No. 10013600



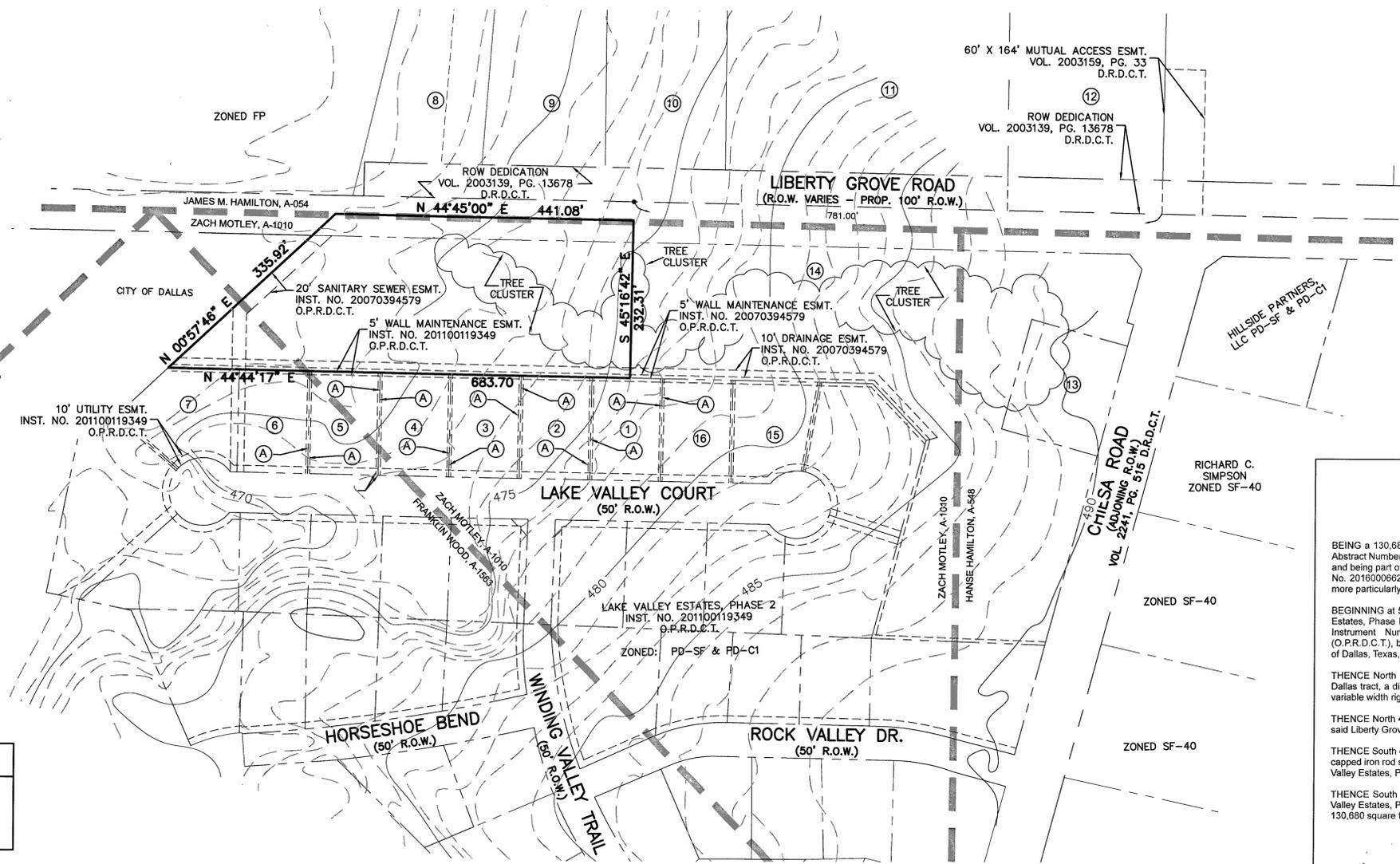
**SITE DETAILS**  
 AREA  
 \* AREA 130,680 S.F. 3.00 AC.  
 \* NO 100-YR FLOODPLAIN EXISTS ON THE SITE



**GENERAL NOTE:**  
 The development of the site will be in accordance with City of Rowlett development standards.

RECORDING INFORMATION CHART	
①	DARRYL & KIM BARBER INST. NO. 2013000549153 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
②	JODI AMAYA INST. NO. 201400052287 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
③	ROBERT FUENTES INST. 201300016177 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
④	KAREN & WILLIAM FAVA INST. NO. 201300023884 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑤	SUSAN VARGHESE INST. NO. 2013000325686 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑥	NATHAN & LINDSEY REDDEN INST. NO. 201300007835 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑦	TOMAS RANGEL INST. NO. 201300026070 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑧	ARCADIA LG HOLDINGS, LLC INST. NO. 201400033763 O.P.R.D.C.T. ZONED FB-NN ORD-007-07
⑨	MAJDI BABAA INST. NO. 201300163144 O.P.R.D.C.T. ZONED FB-NN ORD-007-07
⑩	YASIR IBRAHIM INST. NO. 201000097970 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑪	SUHA SALAMEH BABAA INST. NO. 201000180266 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑫	DM ARAGON, LLC (PRIMROSE SCHOOL) INST. NO. 201300259742 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑬	OPAL WELK VOL. 72065, PG. 2075 D.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑭	OPAL MAE WELK HARGROVE VOL. 2000110, PG. 1019 D.R.D.C.T. ZONED PD-SF & PD-C1
⑮	JACKIE ROGER HOLT INST. NO. 201300094767 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑯	RICHARD BLYTHE INST. NO. 201300282022 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07

RECORDING INFORMATION CHART	
Ⓐ	3' PRIVATE DRAINAGE ESMT. INST. NO. 201100119349 O.P.R.D.C.T.



**LEGAL DESCRIPTION**  
 LIBERTY GROVE OFFICE CENTER  
 ZACH MOTLEY SURVEY, A-1010 &  
 FRANKLIN WOOD SURVEY, A-1563  
 CITY OF ROWLETT, DALLAS COUNTY, TEXAS

BEING a 130,680 square feet or 3.00 acre tract of land situated in the Zach Motley Survey, Abstract Number A-1010, and the Franklin Wood Survey, City of Rowlett, Dallas County, Texas, and being part of that tract of land conveyed by deed to JRSC, LLC, as recorded in Instrument No. 201600066288, Official Public Records, Dallas County, Texas, (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at 5/8 inch iron rod found at the northwest corner of Lot 12, Block F, Lake Valley Estates, Phase II, an addition to the City of Rowlett according to the plat thereof recorded in Instrument Number 201100119349, Official Public Records, Dallas County, Texas, (O.P.R.D.C.T.), being in the east line of a tract of land described in deed conveyed to the City of Dallas, Texas, recorded in Volume 64, Page 1089, Deed records, Dallas County, Texas;

THENCE North 00 degrees 57 minutes 46 seconds East, along the east line of said City of Dallas tract, a distance of 335.92 feet to the approximate centerline of Liberty Grove Road (a variable width right-of-way);

THENCE North 44 degrees 45 minutes 00 seconds East, along the approximate centerline of said Liberty Grove Road, a distance of 441.08 feet to a point for a corner;

THENCE South 45 degrees 16 minutes 42 seconds East, a distance of 232.31 feet to 1/2 inch capped iron rod stamped "5596" found for corner, said point being in the north line of said Lake Valley Estates, Phase II;

THENCE South 44 degrees 44 minutes 17 seconds West, along the north line of said Lake Valley Estates, Phase II, a distance of 683.70 feet to the POINT OF BEGINNING a containing 130,680 square feet or 3.00 acres of land more or less.

*Candy Hone*  
 Registered Professional Land Surveyor No. 5867  
 Votex Surveying Company Firm No. 10013600

OWNER/APPLICANT:  
 JRSC, LLC  
 4000 E. HILL DRIVE  
 IRVING, TEXAS 75038  
 (972) 668-7710

ENGINEER:  
 MACATEE ENGINEERING, LLC  
 3519 MILES ST.  
 DALLAS, TEXAS 75209  
 (214) 373-1180

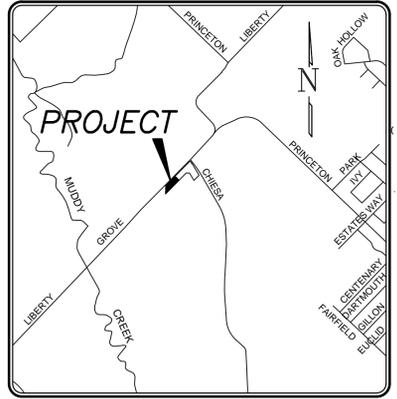
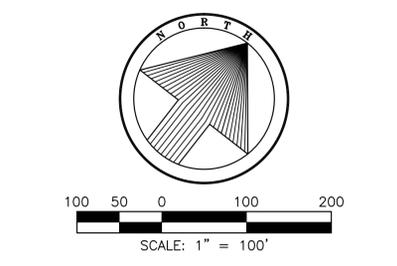
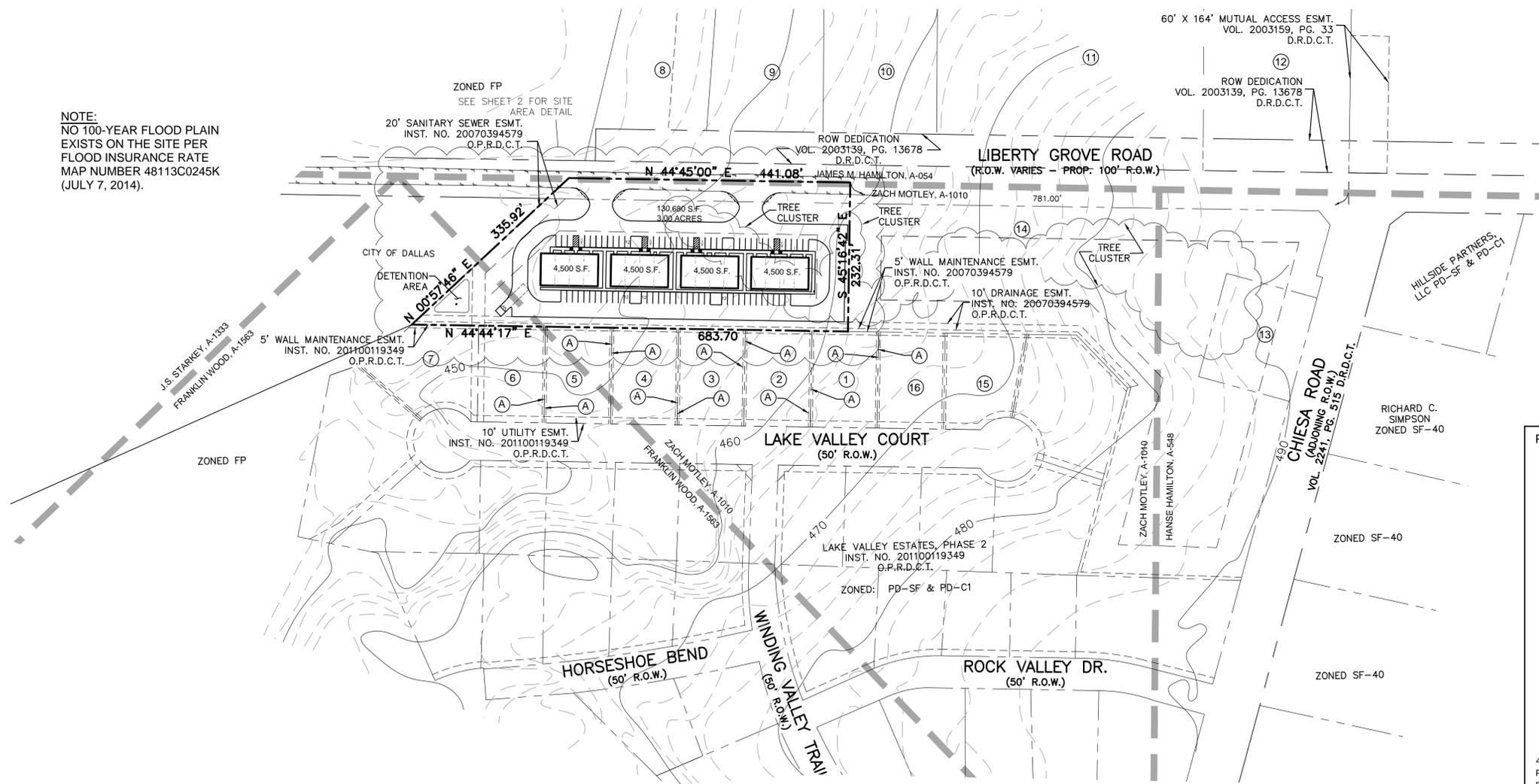
SURVEYOR:  
 VOTEX SURVEYING COMPANY  
 FIRM NO. 10013600  
 10440 N. CENTRAL EXPWY  
 DALLAS, TEXAS 75231  
 PH. (469) 333-8831

**EXHIBIT B - ZONING EXHIBIT**  
**LIBERTY GROVE OFFICE CENTER**  
 ZACH MOTLEY SURVEY, A-1010  
 & FRANKLIN WOOD SURVEY, A-1563  
 CITY OF ROWLETT, DALLAS COUNTY, TEXAS  
 SEPTEMBER 2016

RECORDING INFORMATION CHART	
①	DARRYL & KIM BARBER INST. NO. 2013000549153 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
②	JODI AMAYA INST. NO. 201400052287 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
③	ROBERT FUENTES INST. NO. 201300016177 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
④	KAREN & WILLIAM FAVA INST. NO. 201300023884 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑤	SUSAN VARGHESE INST. NO. 2013000325686 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑥	NATHAN & LINDSEY REDDEN INST. NO. 201300007835 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑦	TOMAS RANGEL INST. NO. 201300026070 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑧	ARCADIA LG HOLDINGS, LLC INST. NO. 201400033763 O.P.R.D.C.T. ZONED FB-NN ORD-007-07
⑨	MAJDI BABAA INST. NO. 201300163144 O.P.R.D.C.T. ZONED FB-NN ORD-007-07
⑩	YASIR IBRAHIM INST. NO. 201000097970 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑪	SUHA SALAMEH BABAA INST. NO. 201000180266 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑫	DM ARAGON, LLC (FRIMROSE SCHOOL) INST. NO. 201300259742 O.P.R.D.C.T. ZONED FB-UV ORD-007-07
⑬	OPAL WELK VOL. 72065, PG. 2075 D.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑭	OPAL MAE WELK HARGROVE VOL. 2000110, PG. 1019 D.R.D.C.T. ZONED PD-SF & PD-C1
⑮	JACKIE ROGER HOLT INST. NO. 201300094767 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07
⑯	RICHARD BLYTHE INST. NO. 201300282022 O.P.R.D.C.T. ZONED PD-SF & PD-C1 ORD-007-07

RECORDING INFORMATION CHART	
Ⓐ	3' PRIVATE DRAINAGE ESMT. INST. NO. 201100119349 O.P.R.D.C.T.

NOTE:  
NO 100-YEAR FLOOD PLAIN  
EXISTS ON THE SITE PER  
FLOOD INSURANCE RATE  
MAP NUMBER 48113C0245K  
(JULY 7, 2014).



LOCATION MAP  
MAPSCO: 20A-L  
N.T.S.

PROJECT SITE DATA:		
<b>GENERAL:</b>		
Case Number:	XXXXXXXX	
Name of Project:	Liberty Grove Office Center	
Proposed Use:	Commercial Business	
Future Land Use Designation:	Area B-2	
Proposed Future Land Use Designation:		
Existing Zoning District:	PD-SF & PD-C1	
Proposed Zoning District:	PD-SF & PD-C1	
Appraisal District Acct. No.:	65101043510010100	
County:	Dallas	
<b>OVERALL SITE:</b>		
Floor to Area Ratio (FAR):	15.6%	
Gross Site Area:	2.66 Acres	
Site Frontage:	475.00 feet	
Site Width:	475.00 feet / 683.701 feet	
Site Depth:	199.81 feet	
Impervious Surface Area:	74,239 sq.ft.	65.0%
Pervious Surface Area:	40,501 sq.ft.	35.0%
<b>PARKING</b>		
4 Buildings @ 4500 S.F.	TOTAL	18,000 S.F.
Parking ratio:	1:250	
Parking req'd:	60 Spaces	
Parking provided:	72 Spaces	
(INCLUDING 4 HC SPACES)		
<b>PROPERTY DEVELOPMENT REGULATIONS: (PER C-1 Zoning)</b>		
Maximum Bldg Coverage	Permitted 90%	Proposed 50%
Minimum Lot Area	Permitted None	Proposed None
Minimum Lot Width	Permitted None	Proposed None
Minimum Lot Depth	Permitted None	Proposed None
Setbacks (Front)	Permitted 50 feet	Proposed 50 feet
Setbacks (Side)	Permitted 0 feet	Proposed 0 feet
Setbacks (Rear)	Permitted 30 feet	Proposed 30 feet
Max. Structure Height	Permitted 2 Stories	Proposed 1 Story

- GENERAL NOTES:**
- Deviations from current development standards/regulations not specifically addressed/listed for approval as part of Planned Development Regulations may require a hearing/approval by the Board of Adjustment (BOA).
  - All current development requirements of the City as amended shall be met unless approved otherwise within these Planned Development Zoning District Development Regulations.
  - This Zoning Concept Plan is for illustrative purposes only and subject to change. This Zoning Concept Plan, along with the development regulations, is intended to describe the intent of the Planned Development. Significant deviations from this Zoning Concept Plan, as determined by the Director of Planning, will require an amendment to the Zoning Concept Plan and, as necessary, the development regulations.
  - The development of the site will be in accordance with City of Rowlett development standards.
  - The thoroughfare alignment shown on this exhibit is for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.

LEGEND	
HCV	Handicap Van Accessible
HC	Handicap
BFR	Barrier Free Ramp
□	Parking Spaces

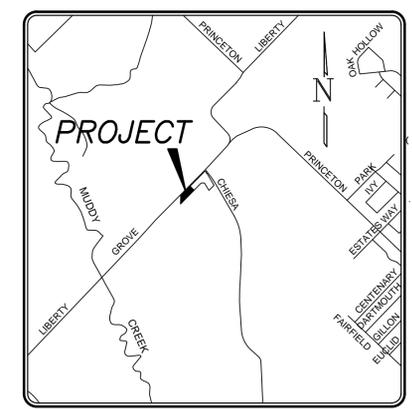
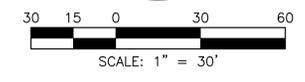
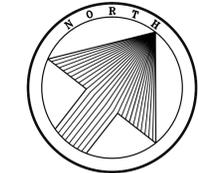
OWNER/APPLICANT:  
JRSC, LLC  
4000 E. HILL DRIVE  
IRVING, TEXAS 75038  
(972) 668-7710

ENGINEER:  
MACATEE ENGINEERING, LLC  
3519 MILES ST.  
DALLAS, TEXAS 75209  
(214) 373-1180

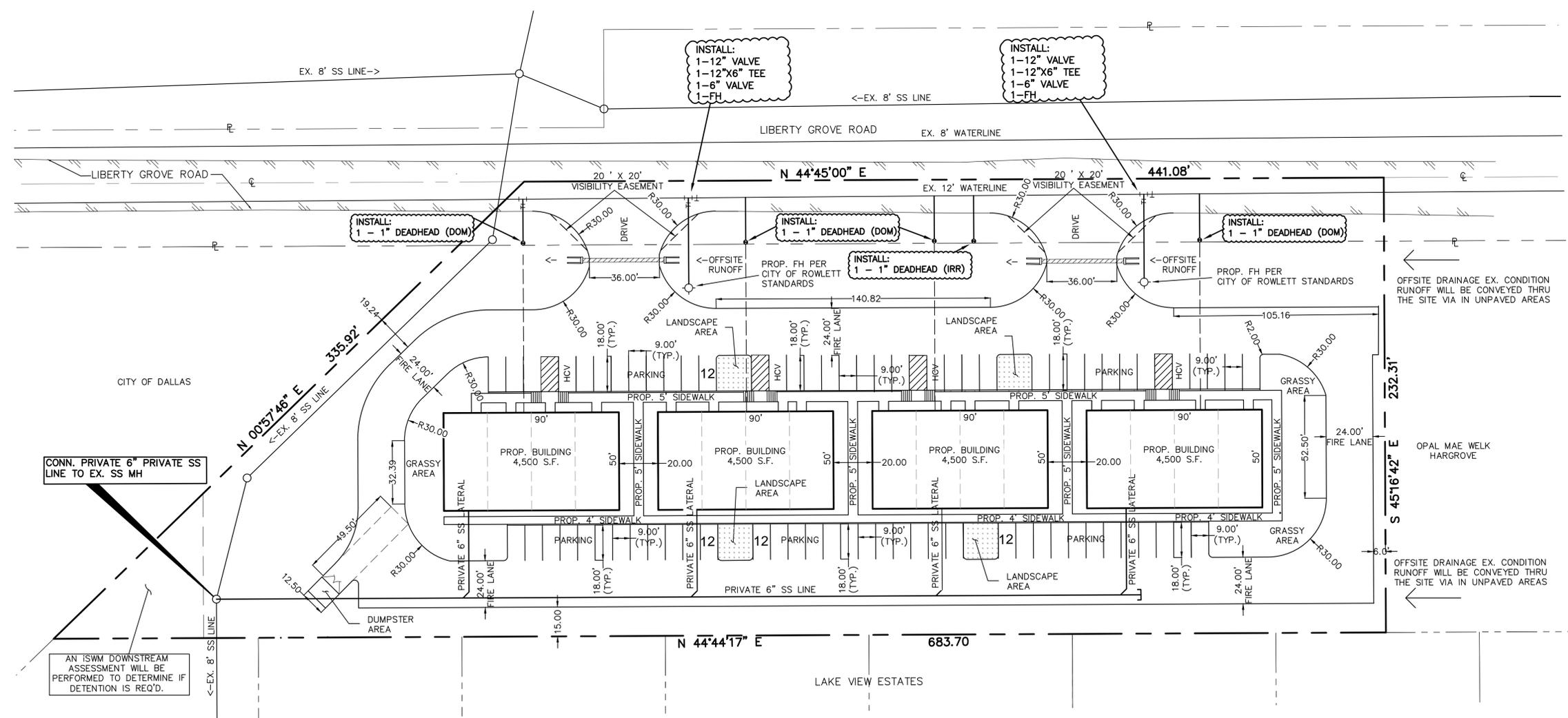
SURVEYOR:  
VOTEX SURVEYING COMPANY  
FIRM NO. 10013600  
10440 N. CENTRAL EXPWAY  
DALLAS, TEXAS 75231  
PH. (469) 333-8831

## EXHIBIT D - ZONING CONCEPT PLAN LIBERTY GROVE OFFICE CENTER

ZACH MOTLEY SURVEY, A-1010  
& FRANKLIN WOOD SURVEY, A-1563  
CITY OF ROWLETT, DALLAS COUNTY, TEXAS  
OCTOBER 2016



LOCATION MAP  
MAPSCO: 20A-L  
N.T.S.



SITE AREA DETAIL  
SCALE: 1" = 30'

CONN. PRIVATE 6" PRIVATE SS LINE TO EX. SS MH

AN ISWM DOWNSTREAM ASSESSMENT WILL BE PERFORMED TO DETERMINE IF DETENTION IS REQ'D.

LEGEND	
HCV	Handicap Van Accessible
HC	Handicap
BFR	Barrier Free Ramp
1	Parking Spaces

OWNER/APPLICANT:  
JRSC, LLC  
4000 E. HILL DRIVE  
IRVING, TEXAS 75038  
(972) 668-7710

ENGINEER:  
MACATEE ENGINEERING, LLC  
3519 MILES ST.  
DALLAS, TEXAS 75209  
(214) 373-1180

SURVEYOR:  
VOTEX SURVEYING COMPANY  
FIRM NO. 10013600  
10440 N. CENTRAL EXPWAY  
DALLAS, TEXAS 75231  
PH. (469) 333-8831

**EXHIBIT D - ZONING CONCEPT PLAN**  
**LIBERTY GROVE OFFICE CENTER**

ZACH MOTLEY SURVEY, A-1010  
& FRANKLIN WOOD SURVEY, A-1563  
CITY OF ROWLETT, DALLAS COUNTY, TEXAS  
OCTOBER 2016

**Exhibit 'C'****Statement of Intent and Purpose**

**Description of Project Uses:** The proposed 2.66-acre development will consist of four (4) single-story office buildings accessed directly from Liberty Grove Road. The buildings will a residential style of construction consisting of wood frame, brick veneer and composition roofs.

**Existing & Proposed Zoning and Land Use:** The property is currently zoned PD-C1, ORD-007-07. The anticipated use is allowed in this zoning district subject to an approved SUP.

**Discussion of the Project With Respect to the City's Approval Criteria:**

1. The proposed rezoning meets the desire of the community to add neighborhood-servicing commercial centers.
2. The project site lies within the area called Woodside Living (Area B2) in the City's Comprehensive Plan. On page 94 of the final report, various development products are tabulated and identified as being "Market-Supported", "Community-Desired" and/or "Recommended". In this area, Neighborhood-servicing Commercial Centers are listed as being "Market-Supported", "Recommended" and "Community-Desired".
3. The neighborhood in the vicinity of the proposed development is predominantly single-family. This project is being developed as PD-C1 (Limited Commercial/Retail). The C-1 district is intended for the conduct of retail trade and personal service uses to meet the needs and for the convenience of the community. These stores and offices may be an integral part of the neighborhood closely associated with residential uses.
4. The property is located near the intersection of two primary roadways and is part of a larger commercially zoned tract. The proposed development will provide the opportunity to create new office condos while maintaining a natural buffer from the noise and congestion at this corner.
5. During the predevelopment meeting with the City, staff stated that transportation and utility facilities are sufficient to serve this development while maintaining appropriate levels of service to existing development.
6. The proposed SUP is consistent with other property in the vicinity of the subject tract. The target purchasers of these office spaces will be business owner-operators.





Department of Development Services

10-21-16P12:27 RCVD

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. A map is attached for reference.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1). The existing zoning district on the property is Planned Development/C-1, which requires a Special Use Permit. (SUP163-2016)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: WILL INCREASE TRAFFIC AND CONGESTION

ON LIBERTY GROVE WHERE IT IS ALREADY DANGEROUS.

PROPERTY OWNER NAME (print): ROBERT KIRKLAND (70 KIOS + VEHICLES)

SIGNATURE: [Handwritten Signature]

ADDRESS: 8201 ROCK VALLEY DRIVE

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas. Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet. All responses received by October 19 will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-463-3906
FAX 972-412-6228
kgoodrich@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
3901 Main Street
Rowlett, TX 75088



Department of Development Services

NOTICE OF PUBLIC HEARING

10-21-16P12:27 RCVD

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1).

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: WE PURCHASED THIS LOT BASED ON THE FACT THAT WE WERE TOLD THE EASEMENT BEHIND OUR HOME COULD NOT BE BUILT ON.

PROPERTY OWNER NAME (print): NATHAN REDDEN
SIGNATURE: [Signature]
ADDRESS: 8003 LAKE VALLEY COURT ROWLETT, TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.
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Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

Table with 2 columns: Contact information for questions and return address for fax or mail.

10-21-16P12:27 REVII



Department of Development Services

NOTICE OF PUBLIC HEARING

21-16P12:27 RCVD

**TO:** Property Owner  
**RE:** Application for a Special Use Permit  
**LOCATION:** The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
**EXPLANATION OF REQUEST:** The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1). The existing zoning district on the property is Planned Development/C-1, which requires a Special Use Permit. (SUP163-2016)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** This will decrease the values of our homes, we picked this lot because we were told there would not be anything behind  
US. This will decrease privacy and safety.  
**PROPERTY OWNER NAME (print):** Robert and Suzanne Fuentes  
**SIGNATURE:** Robert Fuentes Suzanne Fuentes  
**ADDRESS:** 8107 Lake Valley Ct. Rowlett, TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25<sup>th</sup> of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15<sup>th</sup> day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet. All responses received by October 19 will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

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If you have any questions concerning this request, please contact the Department of Development Services  
 Phone 972-463-3906  
 FAX 972-412-6228  
 kgoodrich@rowlett.com

RETURN BY FAX OR MAIL  
 City of Rowlett  
 Development Services  
 3901 Main Street  
 Rowlett, TX 75088



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1).

10-18-16P12:37 RCVD

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Will increase noise. Will cause light pollution. Will cause loss of privacy.

PROPERTY OWNER NAME (print): Richard Blythe
SIGNATURE: Richard Blythe
ADDRESS: 8207 Lake Valley Ct Rowlett, TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property.

Table with 2 columns: Contact information for questions and return address for fax or mail.



Department of Development Services

NOTICE OF PUBLIC HEARING

10-14-16 P02:34 RCV

**TO:** Property Owner  
**RE:** Application for a Special Use Permit  
**LOCATION:** The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
**EXPLANATION OF REQUEST:** The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1). The existing zoning district on the property is Planned Development/C-1, which requires a Special Use Permit. (SUP163-2016)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *When we built this house we were told nothing could ever be built there. Too much traffic, too close to wall of homes & invasion of privacy for normal*

**PROPERTY OWNER NAME (print):** Karen Fava

**SIGNATURE:** Karen Fava

**ADDRESS:** 8103 Lake Valley Court Rowlett Tx 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25<sup>th</sup> of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15<sup>th</sup> day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet. All responses received by October 19 will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

<p>If you have any questions concerning this request, please contact the Department of Development Services                  Phone 972-463-3906                  FAX 972-412-6228                  goodrich@rowlett.com</p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Development Services                  3901 Main Street                  Rowlett, TX 75088</p>
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Department of Development Services

NOTICE OF PUBLIC HEARING

10-12-10A13:26 RCVD

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-3). The existing zoning district on the property is Planned Development/C-1, which requires a Special Use Permit. (SUP163-2016)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: TRAFFIC, ROAD ACCIDENTS AT INTERSECTION W/O TRAFFIC LIGHTS

ALSO IT WOULD APPEAR BLDG WOULD BE CLOSE TO BUCKWING, LOS OF PRIVACY FOR RESIDENCE BACKYARD

PROPERTY OWNER NAME (print): DARYL BARBER
SIGNATURE: [Signature]
ADDRESS: 8203 Lake Valley Ct Rowlett TX

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 20, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet. All responses received by October 19 will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

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Table with 2 columns: Contact information for Department of Development Services (phone, fax, email) and Return by Fax or Mail address (City of Rowlett, 3901 Main Street, Rowlett, TX 75088).



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1).

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: This will decrease the values of our homes, we picked this lot because we were told there would not be anything behind

PROPERTY OWNER NAME (print): US. This will decrease privacy and safety. Robert and Suzanne Fuentes
SIGNATURE: Robert Fuentes Suzanne Fuentes
ADDRESS: 8107 Lake Valley Ct. Rowlett, TX 75089

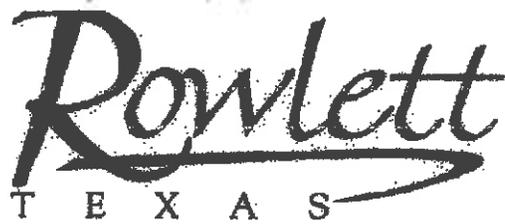
Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property.

If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-463-3906
FAX 972-412-6228
kgoodrich@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
3901 Main Street
Rowlett, TX 75088



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas. A map is attached for reference.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1). The existing zoning district on the property is Planned Development/C-1, which requires a Special Use Permit. (SUP163-2016)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

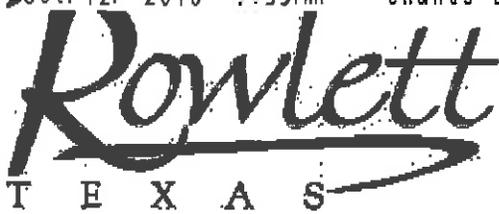
COMMENTS: I am opposed to the request due to the traffic and noise disturbances it will create. Pedestrian and commuter safety near the already dangerous intersection of Chiesa and Liberty Grove is an equally important reason for my opposition.

PROPERTY OWNER NAME (print): Jason Chilcoat
SIGNATURE: Jason Chilcoat
ADDRESS: 8006 Lake Valley Ct., Rowlett, TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.
Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet. All responses received by October 19 will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Table with 2 columns: Contact information for questions and return instructions for comments.

10-18-16P03:39 RCVD 10 -16P03:39 RCVD



Department of Development Services

10-12-16A21-379CEDL

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a commercial office center. The property retains an underlying zoning designation of Limited Commercial/Retail (C-1).

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We have tons of office space in Rowlett. We need no more. It would increase traffic and we have a new

PROPERTY OWNER NAME (print): Community coming in. Roby Surber
SIGNATURE: [Handwritten Signature]
ADDRESS: 6501 Lake Valley Ct Rowlett TX 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 25th of October, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 15th day of November, 2016.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, October 19, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 2, 2016, to be included in the City Council packet.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property.

Table with 2 columns: Contact information for questions (phone, fax, email) and return address for comments (City of Rowlett, Development Services, 3901 Main Street).



*Property from the East*



*Property from the North*



# City of Rowlett

## Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
[www.rowlett.com](http://www.rowlett.com)

**AGENDA DATE:** 11/15/2016

**AGENDA ITEM:** 8C

### **TITLE**

Consider and take action regarding a request to allow an alternate building material, specifically, steel posts for carport roofing, for Lone Star Storage located at 2817 Main Street, further described as being Lot 2, Block A, Four Square Addition, City of Rowlett, Dallas County, Texas.

### **STAFF REPRESENTATIVE**

Patricia Gottilly-Roberts, CFM, Senior Planner

### **SUMMARY**

This is an Alternate Building Material (ABM) request to allow Lone Star Storage to utilize metal steel posts (Attachment 1 – Statement of Intent) on their proposed carports that will cover the outdoor storage stalls located at 2817 Main Street (Attachment 2 - Location Map). Per the Rowlett Development Code (RDC), commercial construction requires 100 percent masonry on the exterior. Alternate materials may be allowed after a recommendation by the Planning and Zoning Commission and approval by City Council. The Planning and Zoning Commission recommended approval of this item at their October 25, 2016 regular meeting on a five-two vote. The following was discussed that the existing neighborhood is commercial in nature and that the steel post would be easier for maneuvering. This item was discussed under item C7, which can be reviewed at the following link: <http://rowlettx.swagit.com/play/10252016-2209>

### **BACKGROUND INFORMATION**

The subject property is an 8.051-acre tract of land located along the north side of Main Street, adjacent to Lone Star Storage (Exhibit A – Legal Description). The applicant, Lone Star Storage, is expanding their mini warehouse facility located at 2817 Main Street by adding an outdoor RV/Boat Storage facility. The addition will consist of 90 stalls for RV/Boat storage that will be covered by five carport like structures. In 2008, the Planning and Zoning Commission approved a Conditional Use Permit to allow the RV/Boat storage facility. The Planning and Zoning Commission also approved a variance to allow a wrought-iron fence with the existing tree cover along the east side of the property to provide for a living screening instead of a masonry screening wall.

After receiving approval in 2008, the developer worked on obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA, which issued the CLOMR in August of 2013. The CLOMR was needed in order to modify the floodplain on the property. As of today, the Conditional Use Permit has expired. The Planning and Zoning Commission approved the Development Plan on June 24, 2014. The Tree Mitigation Plan was approved by City Council on June 17, 2014. The civil plans were released for construction on November 6, 2014. Over the last several months the developer has been working on site by completing the fire lanes, utilities and grading. The next step is to install the screening wall, landscaping, parking stalls and the carports that will cover the parking stalls. However, at this time, the

applicant is requesting to revise the Landscape Plan to allow for a living screen instead of a masonry screening wall and is requesting an ABM to utilize metal columns without a masonry wrap.

## DISCUSSION

The Development Plan approved on June 24, 2014, included a façade plan for the carport structures where the columns shall be brick masonry (Attachment 3 – Previously Approved Façade Plan). The applicant is proposing to utilize the steel columns without the required masonry wrap as shown in Exhibit B – Revised Façade Plan.

The building requirements are in Section 77-507.C.2 of the RDC which state the following:

2. *Building materials. The following standards apply to all development subject to this section. Other exterior materials may be allowed by recommendation of the planning and zoning commission and approval of the city council.*

- h) *In areas zoned as light manufacturing (M-1) or general manufacturing (M-2), and for uses classified as industrial or manufacturing in table 3-1 (table of allowed uses), the following standards apply:*
  - i. *Building exteriors shall be of non-combustible materials including, tilt-up wall construction, stone, brick, tile, cast or cultured stone, painted, coated or stained brick, stone, concrete masonry units, or stucco meeting American Society for Testing and Materials (ASTM) standards with a minimum thickness of three-quarter inches. Concrete panel construction shall have brick or stone inset into the face with contrasting mortar joints. Where concrete masonry units (CMU) are proposed, only those with random indentations, such as split-faced, of at least one-half inch throughout the brick face shall be allowed. Metal building systems are not allowed.*
  - ii. *Any facade adjacent to a public right of way, residential development, or public open space must be at minimum 60 percent masonry brick or stone construction, exclusive of roofs, doors, and windows.*

The purpose of the code is outlined in Section 77-507.A. of the RDC which states:

*This section is intended to promote high-quality non-residential building design, encourage visual variety in non-residential areas of the city, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the city, and protect property values of both the subject property and surrounding areas. In addition, this section intends to create a distinct image for important or highly visible areas of the city in order to enhance the public image of the city and encourage high quality economic development.*

The RDC's architectural requirements are intended to use high quality, long lasting masonry materials such as brick, stone, split-faced CMU, and three-quarter inch stucco. However, the RDC provides an option to specifically request other exterior materials. The metal steel post columns provide a metal like appearance to the open storage building. While the proposed landscape screening along the frontage of the subject property will provide screening of the structures, they will continue to be visible from the street given their height of 12 feet at their lowest point. The applicant has provided an

illustration in Attachment 4 that shows how the proposed landscape along the frontage may screen the steel columns.

It is staff's opinion that the request to utilize the steel columns does not meet the intent of the ordinance; therefore, staff recommends denial of this request.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends denial of the request for alternative building materials.

#### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING A MINOR MODIFICATION TO ALLOW FOR AN ALTERNATE EXTERIOR BUILDING MATERIAL, ALLOWING THE USE OF METAL STEEL POSTS TO SUPPORT CARPORT ROOFING FOR OUTDOOR STORAGE STALLS FOR A MINI-WAREHOUSE SELF STORAGE FACILITY LOCATED AT 2817 MAIN STREET, AND BEING DESCRIBED AS LOT 2, BLOCK A, FOUR SQUARE ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and where the governing body have legislative discretion and has concluded that this resolution is in the best interest of the City of Rowlett;

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

**Section 1:** That the mini-warehouse self-storage facility located at 2817 Main Street, and situated on property described as Lot 2, Block A, Four Square Addition, City of Rowlett, Dallas County, Texas, be and is hereby granted a minor modification for alternate exterior building materials, specifically to allow the use of metal steel posts to be used as roof supports for carports over outdoor storage stalls, as shown on Exhibit 'A'.

**Section 2:** That should any sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this resolution as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

**Section 3:** That this resolution shall take effect immediately from and after its passage and the publication of the caption of said resolution as the law in such case provides.

#### **ATTACHMENTS**

Exhibit A – Legal Description

Exhibit B – Revised façade plan

Attachment 1 – Statement of Intent

Attachment 2 – Location Map

Attachment 3 – Previously Approved Façade Plan

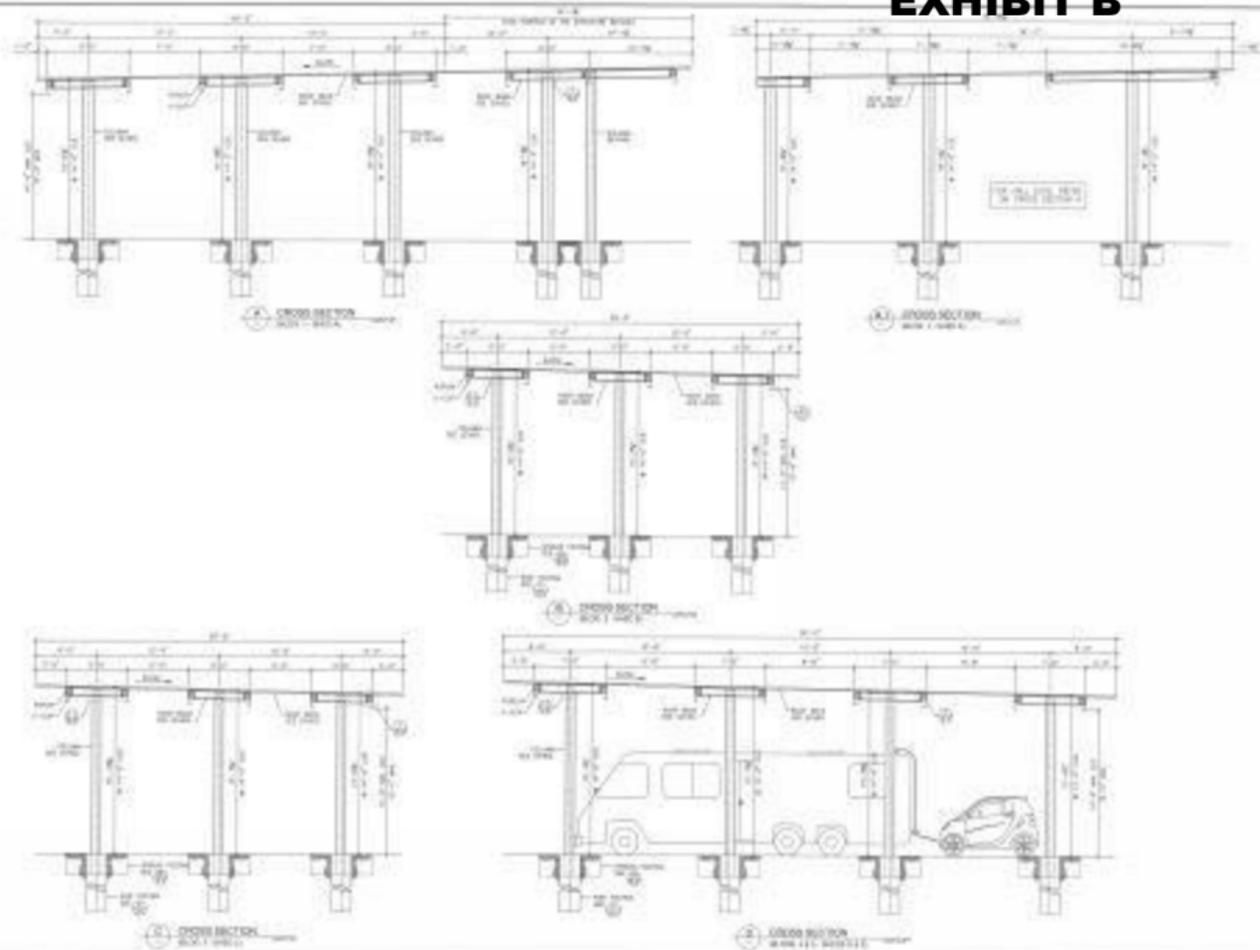
Attachment 4 – Landscape Screening Illustration

**EXHIBIT A**

**LEGAL DESCRIPTION**

**2817 Main Street and situated on property described as Lot 2, Block A, Four Square Storage Addition, City of Rowlett, Dallas County, Texas.**

# EXHIBIT B



B.J. CONSTRUCTION, INC.  
800 First Street, Suite 100  
Scottsdale, AZ 85251  
Tel: 480.344.1111

Learn the full range  
of services we offer  
with our team. Reach us today  
for a free consultation.

**BAJA**  
CONSTRUCTION CO. INC.  
1000 N. GILBERT ROAD, SUITE 100  
SCOTTSDALE, AZ 85251  
TEL: 480.344.1111

DATE	10/10/2011
BY	J. B. B.
SCALE	AS SHOWN
PROJECT	BAJA CONSTRUCTION CO. INC.
DESCRIPTION	STRUCTURAL DRAWING
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT

**TO:** Patricia Roberts, City of Rowlett  
**FR:** Karl B. Stauss  
**DA:** 20 October 2016  
**RE:** Statement of Intent for Requested Revision to Development Plan

**D'Lo**  
Consulting Services

**PROJECT MEMO**

---

The following is a summary of the conditions pertinent to the request:

**USE:** The project is a facility for RV storage units in covered carport sheds.

**ZONING:** The existing zoning is MU-2 General Manufacturing allowing Boat and RV Storage. The site is currently vacant land being developed into RV Storage.

**POTENTIAL RESIDENTIAL:** No residential uses are proposed.

**REASON FOR REQUEST:**

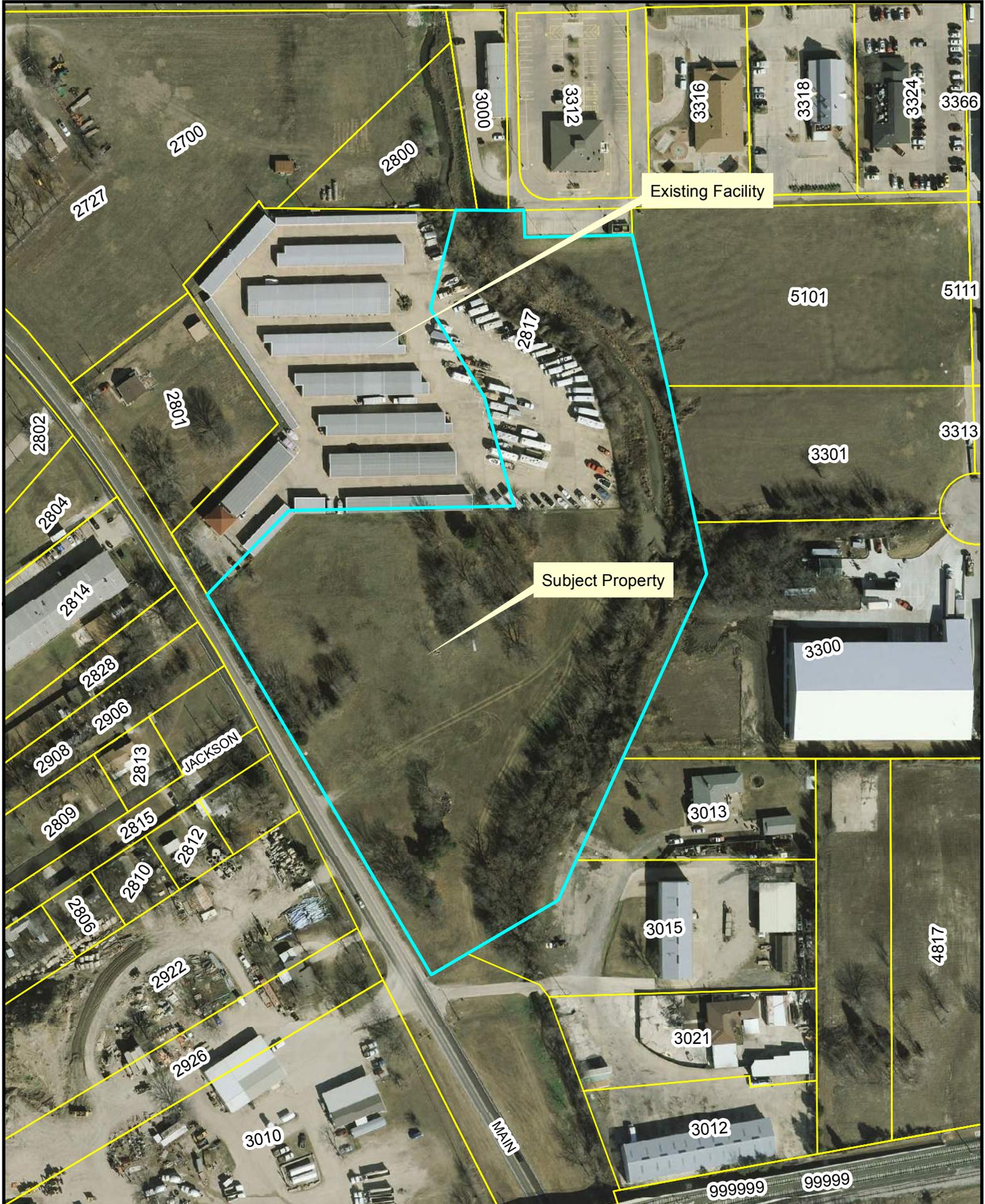
The masonry requirement for the columns poses serious safety and liability issues from damage to customer RVs and personnel while maneuvering vehicles into and out of the spaces. The masonry requirement for the columns and the screening fences has proven to be economically unfeasible.

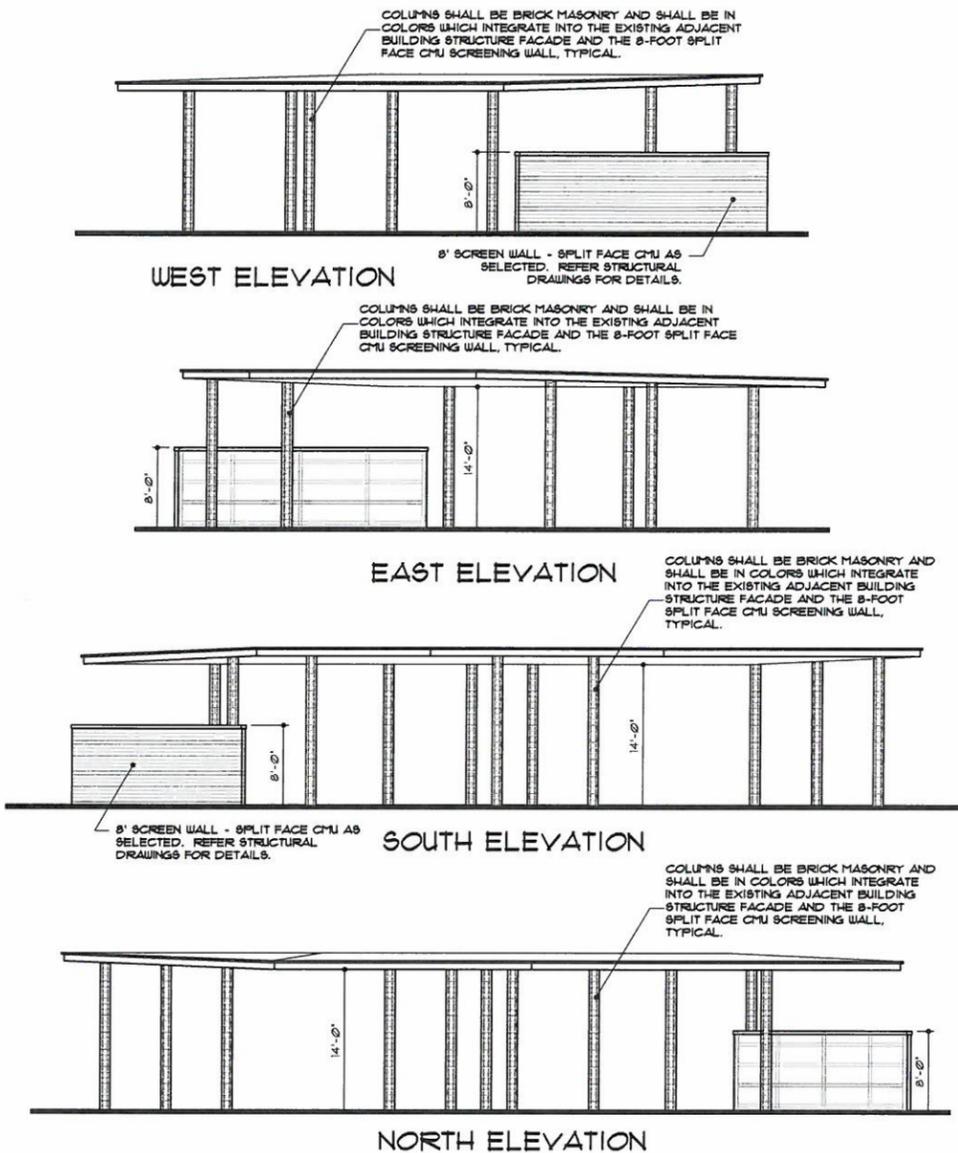
Economically viable alternative of landscape development for screening is proposed along the frontage to provide the same screening effect.

No other components of the previously approved site plan are being changed.

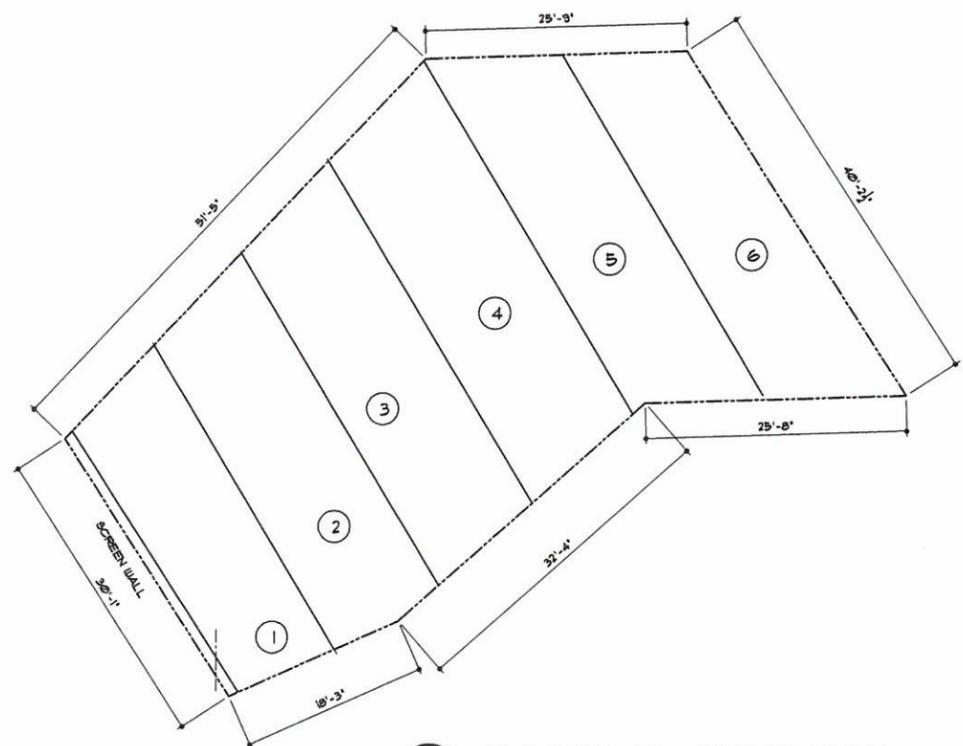
# Location Map

ATTACHMENT 2

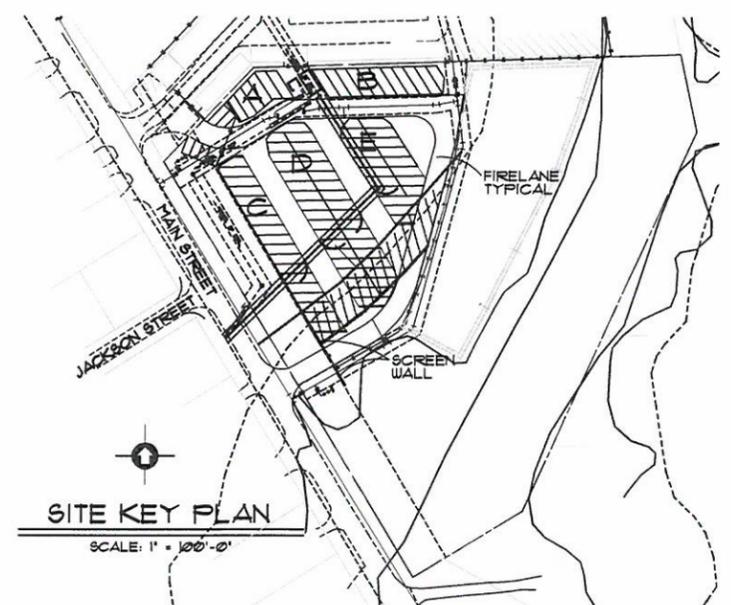




**2 ELEVATIONS - BUILDING 'A'**  
 SCALE: 1/8" = 1'-0" 3025 SF



**1 FLOORPLAN - BUILDING 'A'**  
 SCALE: 1/8" = 1'-0" 2,731 SF



BUILDING FACADE / ELEVATION PLAN

OWNER:  
 LONE STAR STORAGE, LTD.  
 3838 OAKLAWN AVENUE  
 SUITE 1720  
 DALLAS, TEXAS 75219  
 214/522-6050

ARCHITECT:  
 RSS ARCHITECTS, LLC  
 2201 DOTTIE LYNN PKWY 145  
 FORT WORTH, TX 76120  
 817/640-9003

4 SQUARE ADDITION  
 LOT 2, BLOCK 4

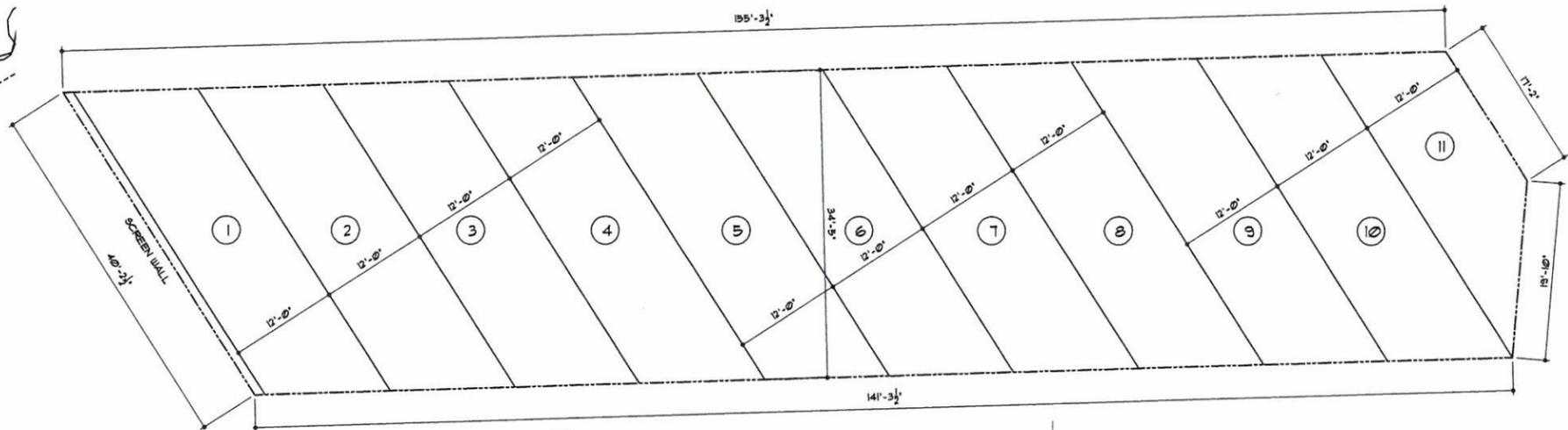
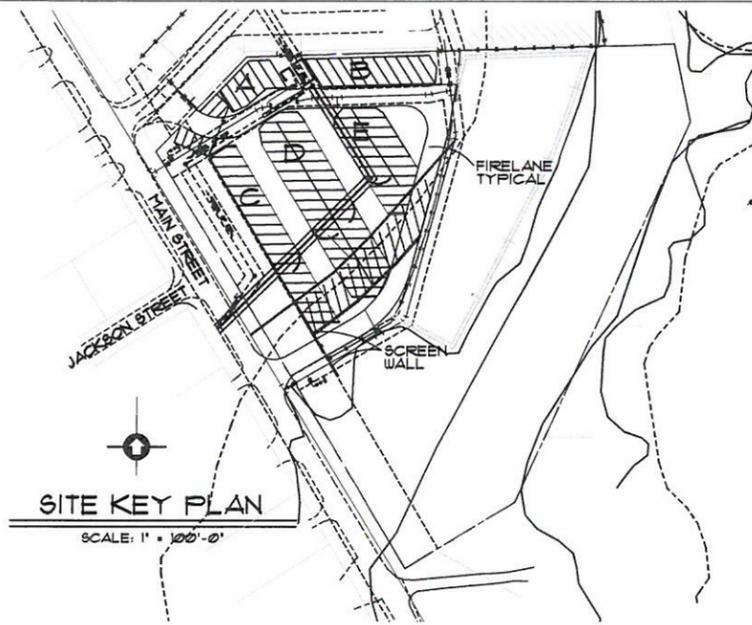


**RSS ARCHITECTS L.L.C.**  
 2201 DOTTIE LYNN PKWY, SUITE 145  
 FORT WORTH, TEXAS 76120  
 PH: 817/640-9003 FAX: 817/649-8410

**Rowlett CITY OF ROWLETT, TEXAS**  
 DEPARTMENT OF PUBLIC WORKS

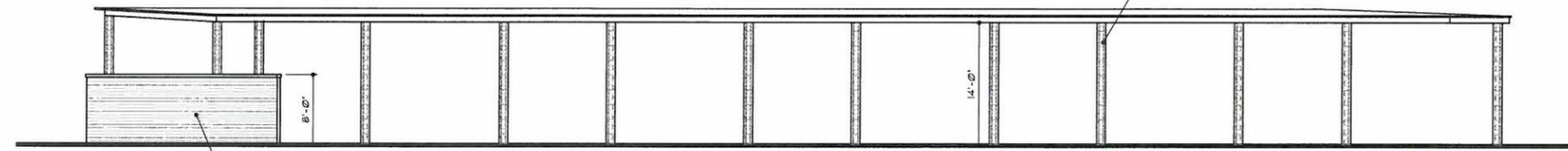
DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC. ENGINEERING AND SURVEYING 908 WEST MAIN STREET • ARLINGTON, TEXAS 76013 (817) 275-3361 ESTABLISHED 1953 • FIRM Nos. E-815 and S-100049-00		
SITE PLAN - SOUTH LOT 2, BLOCK A, 4 SQUARE ADDITION ROWLETT, DALLAS COUNTY, TEXAS		
OWNER: LONE STAR STORAGE, LTD. BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC. 3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050		
DESIGNED:	DATE: 3-18-14	SHEET: A-1
DRAWN:	PROJECT No.: E-1062	
CHECKED:		
3		
2		
1	CHANGED COLUMN NOTATIONS	6-10-14
No.	Description	Date
REVISIONS		

Approved  
 by Rowlett Planning  
 & Zoning Commission  
 6/26/2014  
 MJ



**1 FLOORPLAN - BUILDING 'B'**  
SCALE: 1/8" = 1'-0" 5/201 SF

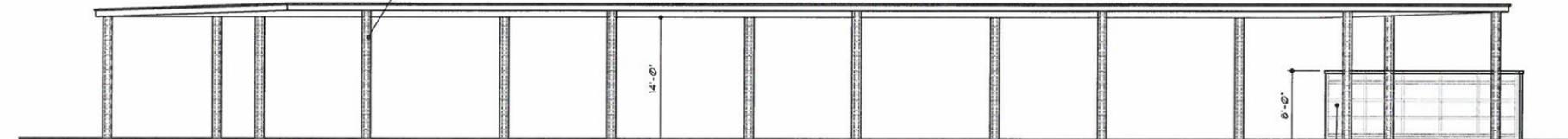
COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.



**SOUTH ELEVATION**

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

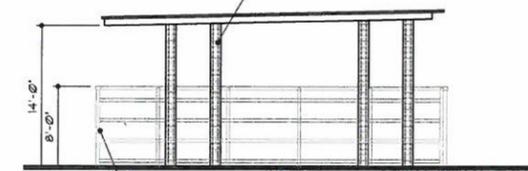


**NORTH ELEVATION**

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

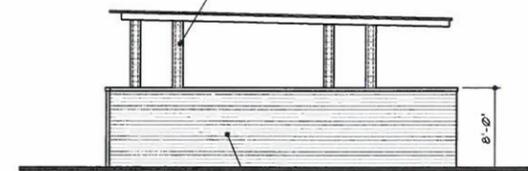
COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.



**EAST ELEVATION**

8' SCREEN WALL - AT OPPOSITE END OF BUILDING



**WEST ELEVATION**

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

**2 ELEVATIONS - BUILDING 'B'**  
SCALE: 1/8" = 1'-0" 5/600 SF

Approved  
by Rowlett Planning  
& Zoning Commission  
6/24/2014



**R S S ARCHITECTS L.L.C.**  
2201 DOTTIE LYNN PKWY, SUITE 145  
FORT WORTH, TEXAS 76120  
PH: 817/640-9003 FAX: 817/649-8410

BUILDING FACADE /  
ELEVATION PLAN

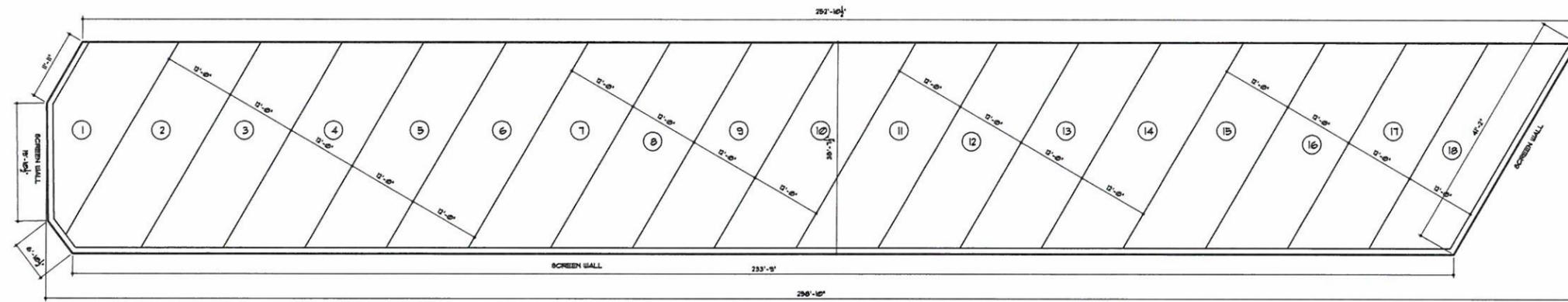
OWNER:  
LONE STAR STORAGE, LTD.  
3838 OAKLAWN AVENUE  
SUITE 1720  
DALLAS, TEXAS 75219  
214/522-6050

ARCHITECT:  
RSS ARCHITECTS, LLC  
2201 DOTTIE LYNN PKWY 145  
FORT WORTH, TX 76120  
817/640-9003

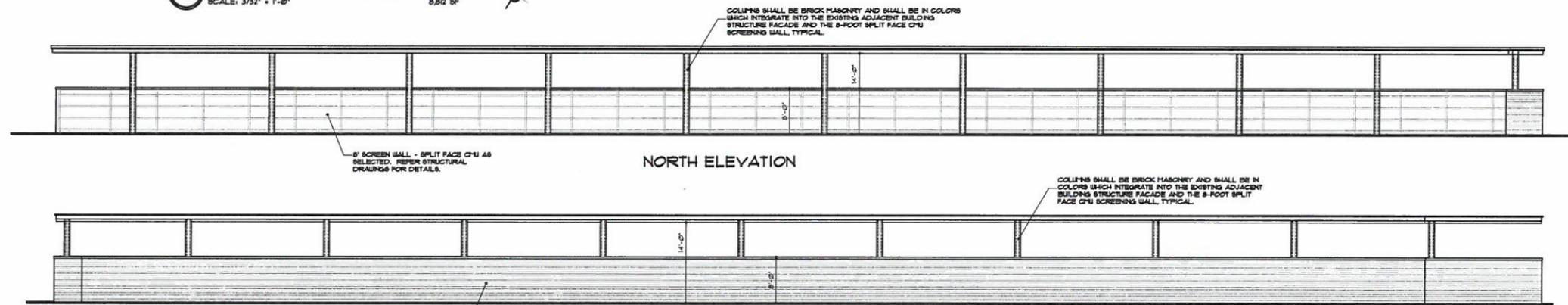
4 SQUARE ADDITION  
LOT 2, BLOCK 4



<b>DI SCIULLO-TERRY, STANTON &amp; ASSOCIATES, INC.</b> ENGINEERING AND SURVEYING 908 WEST MAIN STREET • ARLINGTON, TEXAS 76013 (817) 275-3381 ESTABLISHED 1953 • FIRM Nos. E-615 and S-100049-00			
SITE PLAN - SOUTH LOT 2, BLOCK A, 4 SQUARE ADDITION ROWLETT, DALLAS COUNTY, TEXAS			
OWNER: LONE STAR STORAGE, LTD. BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC. 3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050			
DESIGNED:	DATE:	SHEET: <b>A-2</b>	
DRAWN:	PROJECT No.:	E-1062	
CHECKED:			
3			
2			
1	CHANGED COLUMN NOTATIONS	6-10-14	
No.	Description	Date	
REVISIONS			

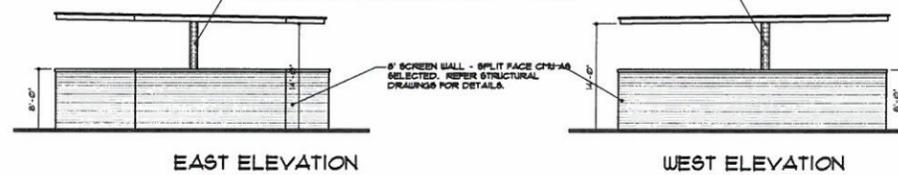


**1 FLOORPLAN - BUILDING 'C'**  
SCALE: 3/32" = 1'-0" 8/32 SF



NORTH ELEVATION

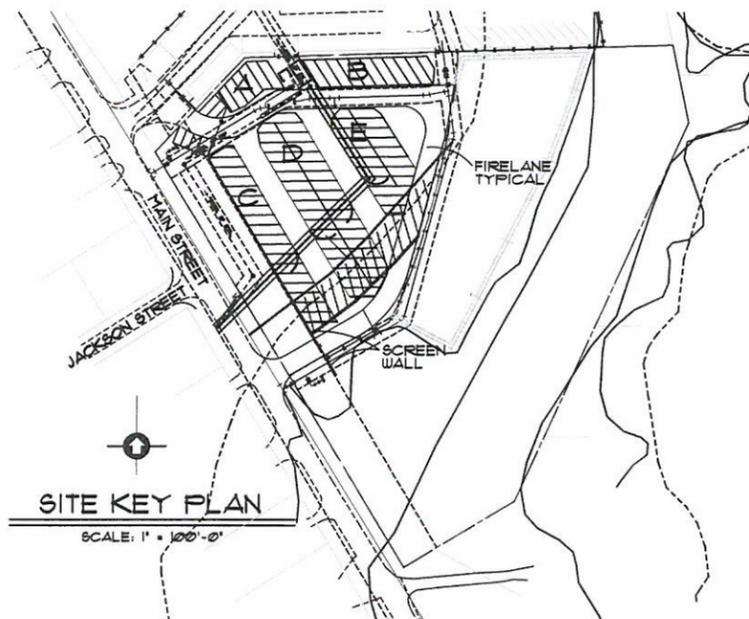
SOUTH ELEVATION



EAST ELEVATION

WEST ELEVATION

**2 ELEVATIONS - BUILDING 'C'**  
SCALE: 3/32" = 1'-0" 4800 SF



SITE KEY PLAN

SCALE: 1" = 100'-0"

BUILDING FACADE / ELEVATION PLAN

OWNER:  
LONE STAR STORAGE, LTD.  
3838 OAKLAWN AVENUE  
SUITE 1720  
DALLAS, TEXAS 75219  
214/522-6050

ARCHITECT:  
RSS ARCHITECTS, LLC  
2201 DOTTIE LYNN PKWY 145  
FORT WORTH, TX 76120  
817/640-9003

4 SQUARE ADDITION  
LOT 2, BLOCK 4



RSS ARCHITECTS, LLC  
2201 DOTTIE LYNN PKWY, SUITE 145  
FORT WORTH, TEXAS 76120  
PH: 817/640-9003 FAX: 817/649-8410

Approved  
by Rowlett Planning  
& Zoning Commission  
6/25/2014  
[Signature]

Rowlett CITY OF ROWLETT, TEXAS  
DEPARTMENT OF PUBLIC WORKS

DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC.  
ENGINEERING AND SURVEYING  
908 WEST MAIN STREET • ARLINGTON, TEXAS 76013  
(817) 275-3361  
ESTABLISHED 1953 • FIRM Nos. E-615 and S-100049-00

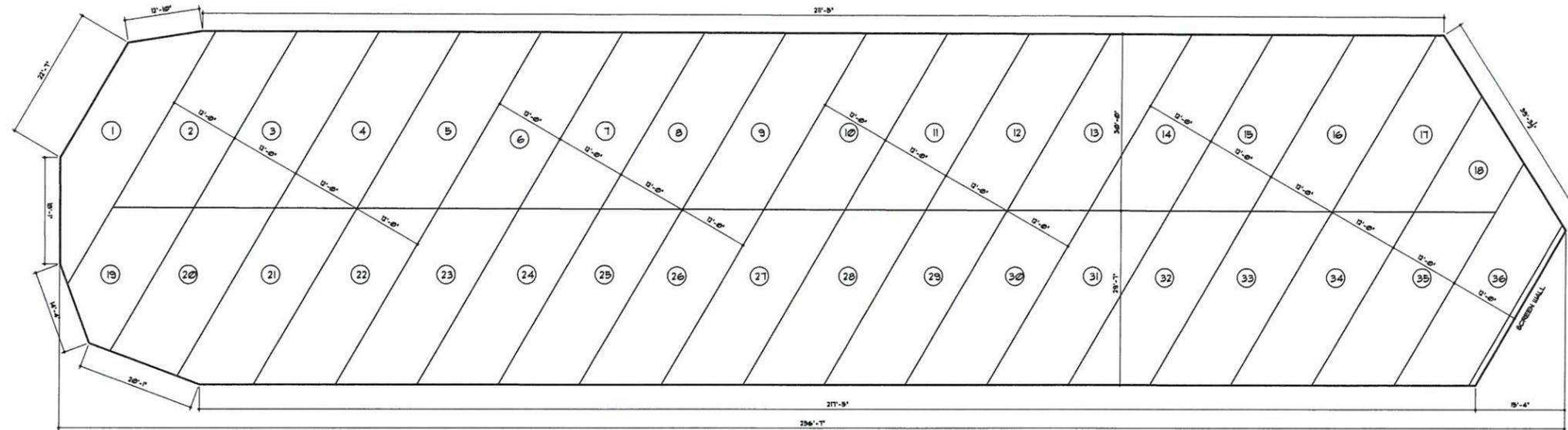
SITE PLAN - SOUTH  
LOT 2, BLOCK A,  
4 SQUARE ADDITION  
ROWLETT, DALLAS COUNTY, TEXAS

OWNER: LONE STAR STORAGE, LTD.  
BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC.  
3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050

DESIGNED: DATE: 5-18-14 SHEET: A-3  
DRAWN: PROJECT No.: E-1062  
CHECKED:

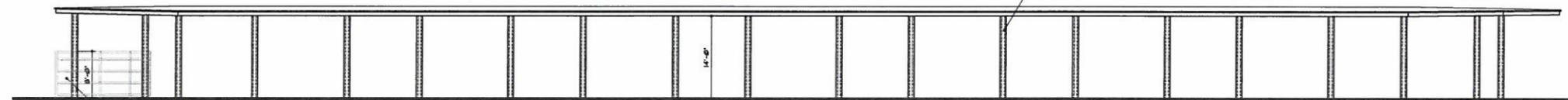
No.	Description	Date
1	CHANGED COLUMN NOTATIONS	6-10-14

REVISIONS



**1 FLOORPLAN - BUILDING 'D'**  
SCALE: 1/8" = 1'-0" 14,492 SF

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

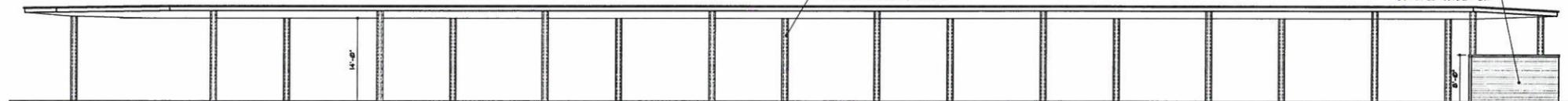


NORTH ELEVATION

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

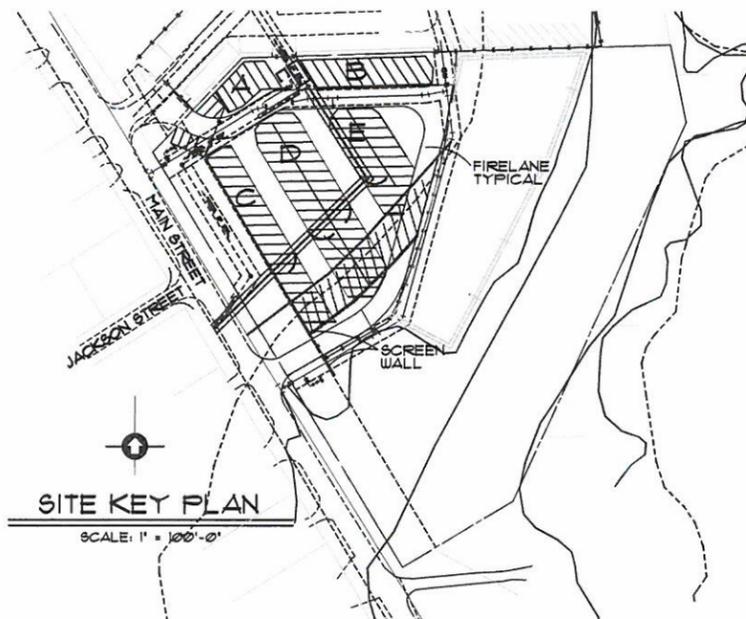
8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.



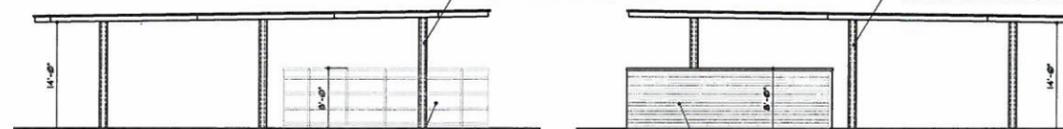
SOUTH ELEVATION

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

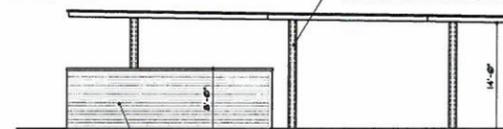


**SITE KEY PLAN**  
SCALE: 1" = 100'-0"



WEST ELEVATION

8' SCREEN WALL - AT OTHER END OF BUILDING



EAST ELEVATION

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

**2 ELEVATIONS - BUILDING 'D'**  
SCALE: 1/8" = 1'-0" 19,500 SF

BUILDING FACADE / ELEVATION PLAN

OWNER:  
LONE STAR STORAGE, LTD.  
3838 OAKLAWN AVENUE  
SUITE 1720  
DALLAS, TEXAS 75219  
214/522-6050

ARCHITECT:  
RSS ARCHITECTS, LLC  
2201 DOTTIE LYNN PKWY 145  
FORT WORTH, TX 76120  
817/640-9003

4 SQUARE ADDITION  
LOT 2, BLOCK 4



**RSS ARCHITECTS, LLC.**  
2201 DOTTIE LYNN PKWY, SUITE 145  
FORT WORTH, TEXAS 76120  
PH: 817/640-9003 FAX: 817/649-8410

Approved  
by Rowlett Planning  
& Zoning Commission

6/26/2014  
DJ

**Rowlett CITY OF ROWLETT, TEXAS**  
DEPARTMENT OF PUBLIC WORKS

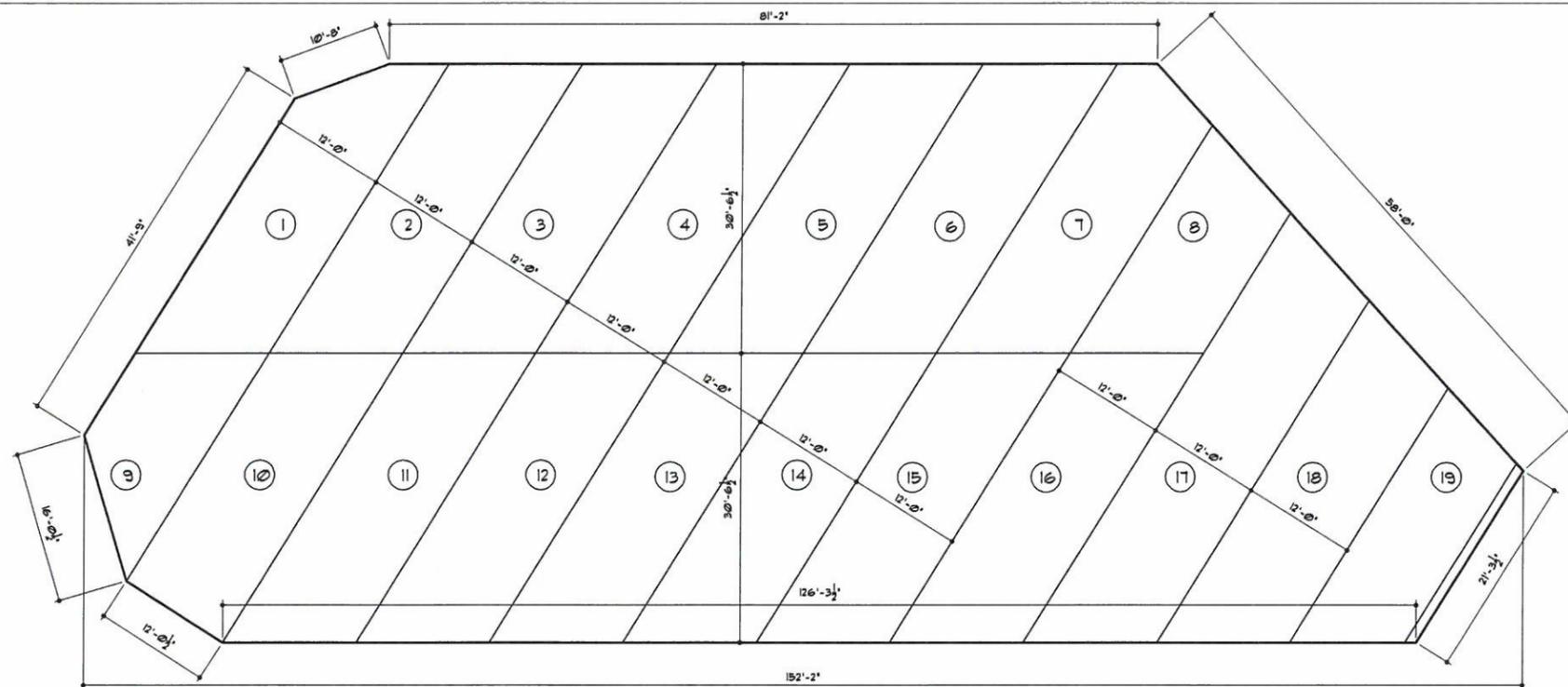
DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC.  
ENGINEERING AND SURVEYING  
908 WEST MAIN STREET • ARLINGTON, TEXAS 76013  
(817) 275-3361  
ESTABLISHED 1953 • FIRM Nos. E-815 and S-100049-00

**SITE PLAN - SOUTH**  
**LOT 2, BLOCK A,**  
**4 SQUARE ADDITION**  
**ROWLETT, DALLAS COUNTY, TEXAS**

OWNER: LONE STAR STORAGE, LTD  
BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC.  
3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050

DESIGNED:	DATE:	3-18-14	SHEET:	A-4
DRAWN:	PROJECT No.:	E-1062		
CHECKED:				
3				
2				
1	CHANGED COLUMN NOTATIONS		6-10-14	
No.	Description		Date	

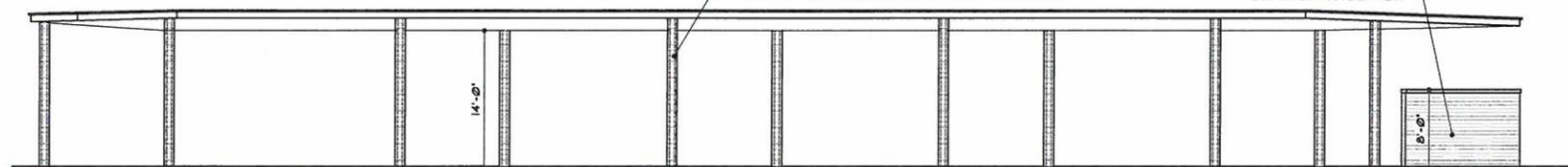
REVISIONS



**1 FLOORPLAN - BUILDING 'E'**  
SCALE: 1/8" = 1'-0"  
1,764 SF

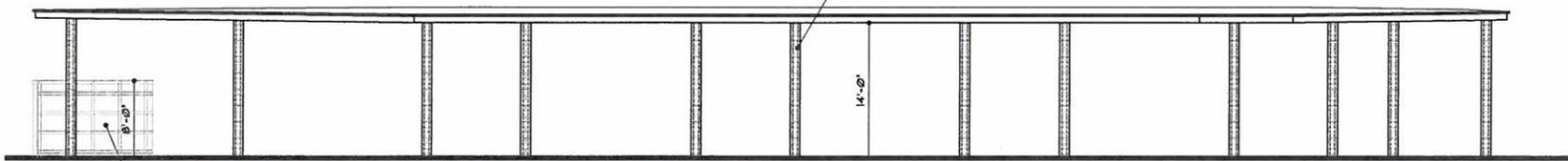
COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.



**SOUTH ELEVATION**

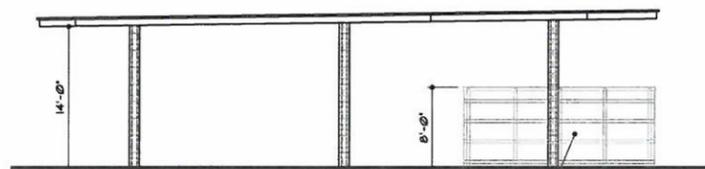
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**NORTH ELEVATION**

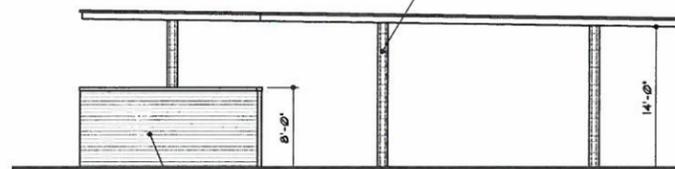
8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.

COLUMNS SHALL BE BRICK MASONRY AND SHALL BE IN COLORS WHICH INTEGRATE INTO THE EXISTING ADJACENT BUILDING STRUCTURE FACADE AND THE 8-FOOT SPLIT FACE CMU SCREENING WALL, TYPICAL.



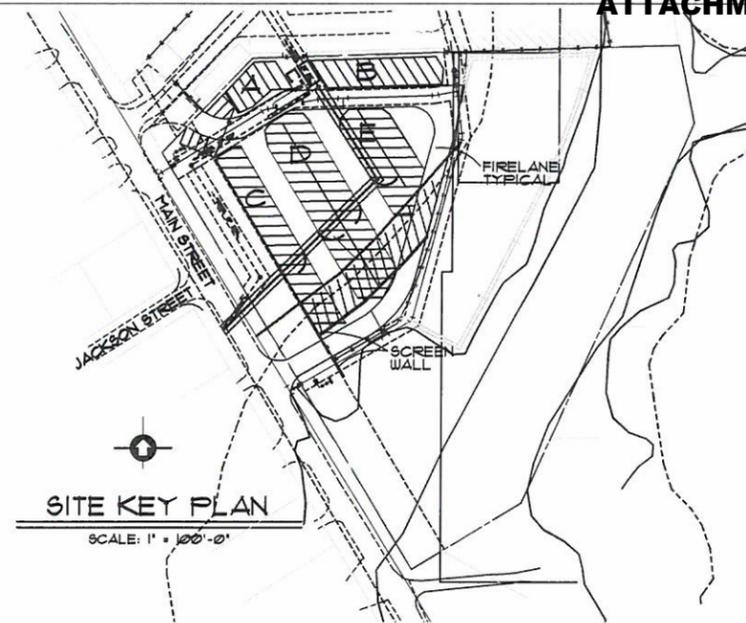
**WEST ELEVATION**

8' SCREEN WALL - AT OTHER END OF BUILDING



**EAST ELEVATION**

8' SCREEN WALL - SPLIT FACE CMU AS SELECTED. REFER STRUCTURAL DRAWINGS FOR DETAILS.



**SITE KEY PLAN**  
SCALE: 1" = 100'-0"

**2 ELEVATIONS - BUILDING 'E'**  
SCALE: 1/8" = 1'-0"  
8,500 SF

BUILDING FACADE / ELEVATION PLAN

OWNER:  
LONE STAR STORAGE, LTD.  
3838 OAKLAWN AVENUE  
SUITE 1720  
DALLAS, TEXAS 75219  
214/522-6050

ARCHITECT:  
RSS ARCHITECTS, LLC  
2201 DOTTIE LYNN PKWY 145  
FORT WORTH, TX 76120  
817/640-9003

4 SQUARE ADDITION  
LOT 2, BLOCK 4

Approved  
by Rowlett Planning  
& Zoning Commission  
6/26/14  
122



**RSS ARCHITECTS, L.L.C.**  
2201 DOTTIE LYNN PKWY, SUITE 145  
FORT WORTH, TEXAS 76120  
PH: 817/640-9003 FAX: 817/649-8410

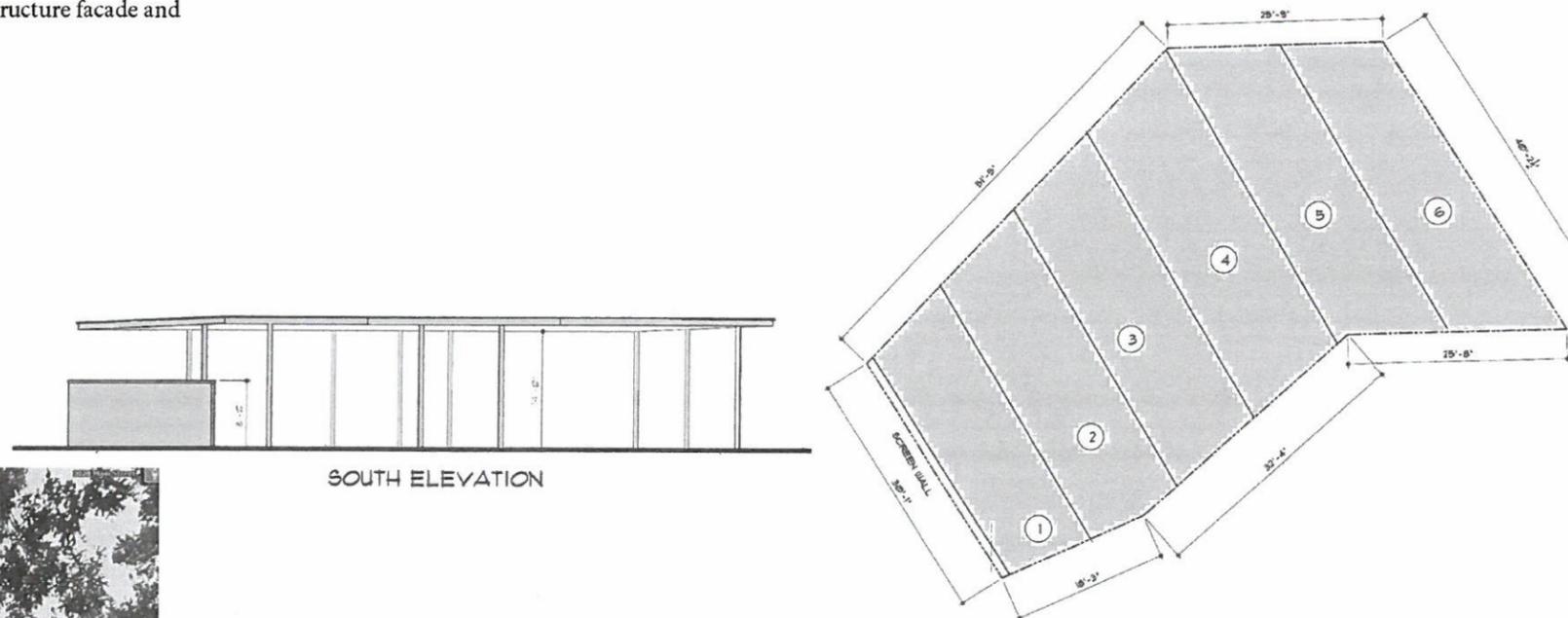
**Rowlett CITY OF ROWLETT, TEXAS**  
DEPARTMENT OF PUBLIC WORKS

DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC. ENGINEERING AND SURVEYING 908 WEST MAIN STREET • ARLINGTON, TEXAS 76013 (817) 275-3381 ESTABLISHED 1953 • FIRM No. E-815 and S-100049-00	
SITE PLAN - SOUTH LOT 2, BLOCK A, 4 SQUARE ADDITION ROWLETT, DALLAS COUNTY, TEXAS	
OWNER: LONE STAR STORAGE, LTD. BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC. 3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050	
DESIGNED: _____ DRAWN: _____ CHECKED: _____	DATE: 3-18-14 PROJECT No.: E-1062 SHEET: <b>A-5</b>
3 2 1 No.	CHANGED COLUMN NOTATIONS Description Date
REVISIONS	

The proposed canopy and post shall be painted to match the existing structures on the adjacent property.

The 8-foot split-face CMU Screening Wall shall be in colors which integrate into the existing, adjacent building structure facades.

All columns shall be brick masonry and shall be in colors which integrate into the existing adjacent building structure facade and the 8-foot split face CMU Screening Wall



Typical Color Elevation  
Lot 2, Block A, 4 Square Addition

Approved  
by Rowlett Planning  
& Zoning Commission  
6/26/2014  
JZ

**Rowlett** CITY OF ROWLETT, TEXAS  
TEXAS DEPARTMENT OF PUBLIC WORKS

DI SCIULLO-TERRY, STANTON & ASSOCIATES, INC.  
ENGINEERING AND SURVEYING  
908 WEST MAIN STREET • ARLINGTON, TEXAS 76013  
(817) 275-3361  
ESTABLISHED 1953 • FIRM Nos. E-615 and S-100049-00

**SITE PLAN - COLOR ELEVATION**  
**LOT 2, BLOCK A,**  
**4 SQUARE ADDITION**  
**ROWLETT, DALLAS COUNTY, TEXAS**

OWNER: LONE STAR STORAGE, LTD  
BY ITS GENERAL PARTNER: LONE STAR SELF STORAGE, INC.  
3838 OAKLAWN AVE, SUITE 1720, DALLAS, TEXAS 75219 • PHONE: (214) 522-6050

DESIGNED: JPS	SCALE: NTS	DATE: OCTOBER, 2013	SHEET:
DRAWN: JCS, CM		PROJECT No.: E-1062	
CHECKED: JPS			

No.	Description	Date
3	THIRD SUBMITTAL	4-25-14
2	SECOND SUBMITTAL	3-21-14
1	FIRST SUBMITTAL	2-25-14
No.	Description	Date

REVISIONS



STAGGERED LARGE EVERGREEN SHURBS

EVERGREEN GROUNDCOVER

4' EARTHEN BERM  
MAX 4:1 SLOPE

8' ORNAMENTAL IRON FENCE

12' STEEL COLUMN

14' STEEL COLUMN

PERSPECTIVE SECTION

MAIN STREET

COVERED PARKING



4' EARTHEN BERM  
MAX 4:1 SLOPE

8' ORNAMENTAL IRON FENCE

STAGGERED LARGE EVERGREEN SHURBS

EVERGREEN GROUNDCOVER

PLANTING EDGE

PERSPECTIVE PLAN

4 SQUARE ADDITION  
ROWLETT, TEXAS



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/15/2016

**AGENDA ITEM:** 8D

**TITLE**

Conduct a public hearing and consider an ordinance granting a Special Use Permit to allow an accessory building (residential greenhouse) for property located at 5605 Edgewater Circle further described as being Lot 10, Block A of the Wimbledon on the Lakes Subdivision, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Patricia Gottilly- Roberts, CFM, Senior Planner

**SUMMARY**

The property owners are requesting a Special Use Permit (SUP) to allow a 250 square-foot residential greenhouse at 5605 Edgewater Circle (Attachment 1 – Location Map). Per the Rowlett Development Code (RDC), a residential greenhouse requires an SUP in single family residential zoning districts.

The Planning and Zoning Commission unanimously recommended approval of this item at their October 25, 2016 regular meeting. The item was discussed under item C1, which can be viewed at the following link: <http://rowlettx.swagit.com/play/10252016-2209>

**BACKGROUND INFORMATION**

The subject property at 5605 Edgewater Circle is a 0.44 acre lot located in the Wimbledon on the Lakes Subdivision. The subject property is zoned Planned Development Single Family Residential. The applicants are proposing to build a 250 square-foot greenhouse in their backyard for personal use (Attachment 2 – Greenhouse). The proposed greenhouse will be located eight feet at its closest point from the south side of the house (Exhibit A – Survey Plat). The greenhouse will be setback five feet from the south side property line and 80 feet from the east (rear) property line. The structure's height will be no taller than eight feet and five inches in height. The greenhouse will be 12 feet and five inches wide and 20 feet in length (Attachment 3 – Site Photo).

**DISCUSSION**

As previously mentioned, a residential greenhouse requires an SUP in a residential zoning district. The approval criteria for an SUP are outlined in Section 77-206 of the RDC. The City Council should consider the request based on these approval criteria as detailed below. Staff has added additional commentary in bold italics beneath each point of consideration where applicable.

*Section 77-206.D. Approval Criteria.* Recommendations and decisions on Special Use Permits shall be based on consideration of the following criteria:

1. The proposed Special Use Permit is consistent with the Comprehensive Plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

***The subject property is not located within one of the 13 opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. However, the Guiding Principles in the Plan should be considered in decisions about zoning. The most relevant principle to this zoning request is the principle of “value existing neighborhoods.” A 250 square-foot greenhouse for personal use is not any different from an accessory building that is similar in size. It is staff’s opinion that the request is not out of context with the surrounding area.***

2. The proposed Special Use Permit is consistent with the purpose and intent of the zoning district in which it is located;

***Accessory buildings of the same size as the proposed greenhouse are allowed by right in single family residential district. A 250 square-foot greenhouse in the backyard for personal use should not have any more impact than an accessory building of a similar size would have. The proposed use is appropriate at this location.***

3. Whether the proposed Special Use Permit will protect or enhance the health, safety, morals, or general welfare of the public;

***The greenhouse will have minimal visibility and low impact to the surrounding areas. The proposal should not negatively affect the health, safety, morals or general welfare of the public.***

4. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

***Adequate utilities, access roads and drainage facilities are being provided for the subject property. This SUP will not increase any demands on utilities.***

5. Whether the proposed Special Use Permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

***The proposed greenhouse is 250 square feet in size and is located on the south side of the property in the rear yard. The greenhouse will be at least five feet from the side property line. Given the size and the location of the greenhouse, staff does not expect that the request will have adverse impact on the adjacent properties.***

6. The suitability of the subject property for the existing zoning and the proposed use sought by the Special Use Permit;

***It is Staff's opinion that a greenhouse for personal use that meets the size and setback requirements for accessory structures is suitable for the subject property.***

It is staff's opinion that the request for a 250 square-foot greenhouse is an appropriate accessory use in this situation and will not have an adverse impact on the adjacent properties. Staff recommends approval.

### **Public Notice**

On October 7, 2016, a total of 10 notices were mailed to property owners within 200 feet and a total of 34 courtesy notices were mailed to property owners within 500 feet. As of October 20, 2016, one public notice was received in favor of the request and zero were received in opposition. The responses are available in (Attachment 4 – Returned Public Notices).

Staff published the Legal Notice in the *Dallas Morning News* on October 13, 2016, and placed a zoning sign on the subject property on October 14, 2016, in accordance with the Rowlett Development Code and state requirements.

### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

### **RECOMMENDED ACTION**

Staff recommends approval of this ordinance.

### **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, PLAN AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 5605 EDGEWATER CIRCLE, BEING DESCRIBED AS LOT 10, BLOCK A, WIMBLEDON ON THE LAKES SUBDIVISION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, TO AUTHORIZE THE CONSTRUCTION AND USE OF A GREENHOUSE AS AN ACCESSORY BUILDING; PROVIDING DEVELOPMENT AND USE STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein.

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

**SECTION 1.** That the Comprehensive Zoning Ordinance, Plan and Map of the City of Rowlett, Texas, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by granting a Special Use Permit for property located at 5605 Edgewater Circle, being described as Lot 10, Block A, of the Wimbledon On The Lakes Subdivision, City of Rowlett, Dallas County, Texas, (hereinafter the "Property"), said property being zoned as Planned Development Single Family Residential District, to authorize the construction of a greenhouse as an accessory building under the conditions set forth herein.

**SECTION 2.** That an accessory structure be and is hereby authorized to be constructed on the Property under the following terms and conditions:

1. The accessory structure may be built and used as a greenhouse, accessory to the residential use of the Property. The accessory structure may include the growth and cultivation of plants, trees, and other materials, and the incidental storage of materials and equipment, but the Special Use Permit granted herein shall not extend to nor include retail or commercial growth, sales or display.
2. Exterior materials consistent with the use as a greenhouse may be used. Metal shall not be used as an exterior material for roofing or walls.
3. The accessory structure shall be constructed on the Property in the approximate dimensions and location set forth in Exhibit "A," attached hereto and incorporated herein.
4. The Property and the accessory structure shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein. Except as otherwise expressly provided for in this Ordinance, the development, use and occupancy of the Property and the accessory structure shall conform to the standards and regulations set forth in the applicable Planned Development Single Family District and the regulations pertaining to accessory structures in residential districts of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended.
5. The authorization contained in this Ordinance is not intended and shall not be construed to approve any development plan of any kind, including but not limited to a site plan, landscaping plan, façade plan, or other plan, nor to grant any permit of any kind, otherwise required by existing ordinances of the City.

**SECTION 3.** That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

#### **ATTACHMENTS**

Exhibit A – Survey Plat

Attachment 1 – Location Map

Attachment 2 – Greenhouse

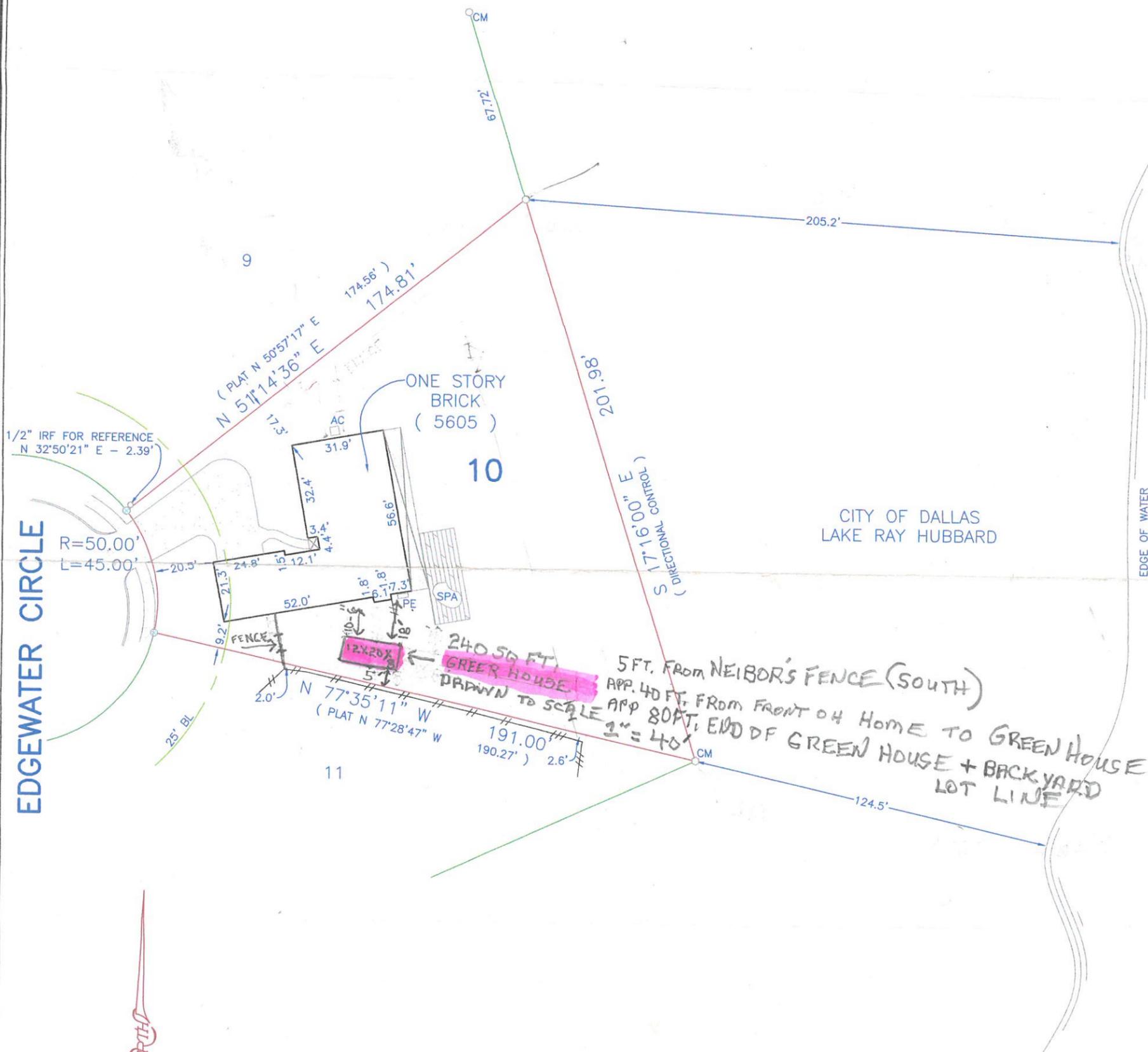
Attachment 3 – Return Public Notice

Attachment 4 – Site Photo

# SURVEY PLAT



BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940  
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 5605 EDGEWATER CIRCLE, in the town of ROWLETT Texas.  
 Lot No. 10, Block No. A  
 of WIMBLEDON ON THE LAKES, REVISED, an addition in the town of ROWLETT, DALLAS COUNTY Texas according to the MAP THEREOF RECORDED in VOLUME 76129 at PAGE 1915 of the MAP records of DALLAS COUNTY, TEXAS.



THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.



The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY AVIA REALTY

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 40'  
 Date: 11/3/2015  
 G. F. No.: \_\_\_\_\_  
 Job no.: 94208  
 Drawn by: CM

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.  
 THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR AVIA REALTY

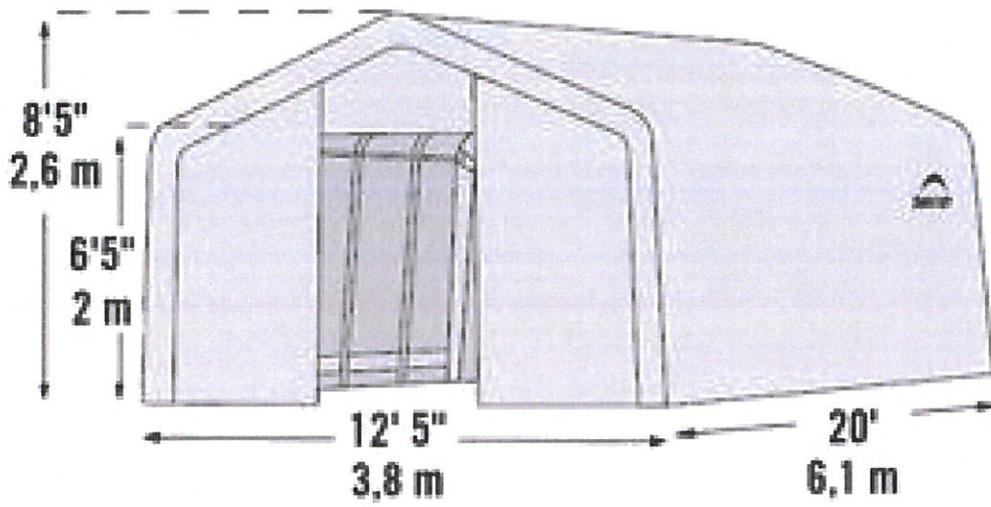
LEGEND	
WOOD FENCE	--- TEXT
CHAIN LINK	--- IMPROVEMENTS
IRON FENCE	--- BOUNDARY LINE
WIRE FENCE	--- EASEMENT/SETBACK
RESIDENCE	
○ 1/2" IRON ROD FOUND	
○ 1/2" YELLOW-CAPPED IRON ROD SET	
□ SET 'X'	
□ FOUND 'X'	
○ BRASS MONUMENT FOUND	
○ PK NAIL FOUND	
CM - CONTROL MONUMENT	
CD - CLEAN OUT	PE - POOL EQUIP
GM - GAS METER	PP - POWER POLE
FH - FIRE HYDRANT	WM - WATER METER
LP - LIGHT POLE	WV - WATER VALVE
MH - MANHOLE	
( UNLESS OTHERWISE NOTED )	





5605 EDGEWATER CIR  
Map Created: September 29, 2016

SUP MINOR  
200 FT NOTICE  
LOCATION MAP



# 5605 Edgewater Circle

---



Facing east along the south property line.



Facing east at south side of house.



Department of  
Development Services

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Special Use Permit Minor

**LOCATION:** The subject property is located at 5605 Edgewater Circle, further described as Lot 10, block A of Wimbledon on the Lakes, City of Rowlett, Dallas County, Texas. This notice and the notification area are required under Chapter 77-806 of the Rowlett Development Code and under Chapter 212.015 of the Texas Local Government Code. A location map depicting the 200 foot notification area is attached for reference.

**EXPLANATION OF REQUEST:** The applicant is proposing to build a residential greenhouse located at 5605 Edgewater Circle. Per the Rowlett Development Code, a residential greenhouse requires a Special Use Permit in single family residential zoning districts.

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Love of plants is a good thing!!!*

**SIGNATURE:**

*Lynnda M. Rice / Dale E Rice*

**ADDRESS:**

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on **October 25, 2016**, and City Council will hold a public hearing at 7:30 pm on **November 15, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Department by 5 pm on **Thursday, October 20, 2016**, for your comments to be included in the Planning and Zoning Commission packet and/or by **Wednesday, November 9, 2016**, to be included in the City Council packet. All responses received by November 9<sup>th</sup> will be forwarded to the Council as well; it is not necessary to respond twice.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

If you have any questions concerning this request, please contact Development Services.  
Phone 972-412-6114  
FAX 972-412-6228  
[proberts@rowlett.com](mailto:proberts@rowlett.com)

**RETURN BY FAX OR MAIL**  
City of Rowlett  
Department of Development Services  
3901 Main Street  
Rowlett, TX 75088