



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**WEDNESDAY, OCTOBER 22, 2014**  
**4000 MAIN STREET**

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The Board of Adjustment will convene into a Work Session at **6:00 p.m.** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, at which time the following items will be considered:

- i. Call to Order
  - ii. Board of Adjustment Orientation
  - iii. Discuss items on the regular agenda
  - iv. Adjournment
- 

The Board of Adjustment will convene into a Regular Meeting at **7:00 p.m.** in the City Hall Chambers at the Municipal Center at which time the following items will be considered:

1. Call to Order
2. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from April 28, 2014.
3. Elect a Vice-Chairman
4. Conduct a public hearing and consider a request for a special exception to allow a monument sign to encroach into the ten-foot setback from the front property line. The subject property is located at 4301 Dalrock Road, further described as being Lot 1, Block 1 of the Providence Presbyterian Church, an addition to the city of Rowlett, Dallas County, Texas.
5. Adjournment.

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING DEPARTMENT AT 972-463-3949 FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

Garrett Langford, Principal Planner

**MINUTES OF THE WORK SESSION AND REGULAR MEETING  
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS  
HELD IN THE ROWLETT MUNICIPAL CENTER,  
4000 MAIN STREET, ROWLETT, TEXAS  
APRIL 28, 2014**

**PRESENT:** Members Raymond Moyer, Robert Kittrell, Wanda Hoff, Harris D. Brown;  
Alternate Member Chris Kizziar

**ABSENT:** Member James Vessels; Alternate Member Miranda Morgan

**STAFF PRESENT:** Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Development Services Technician Lola Isom

**1. Call to Order**

Member Raymond Moyer called The Board of Adjustment Work Session to order at 6:02 p.m.

**2. Administer the Oath of Office and the Statement of Elected/Appointed Officer to the newly appointed and reappointed members**

Lola Isom, Development Services Technician, administered the Oath of Office to Harris D. Brown and Chris Kizziar. Documentation for the Statement of Elected Appointed Officer and Confidentiality Form were processed.

**3. Board of Adjustment Orientation**

David Berman, City Attorney, passed out The Board of Adjustment Handbook and summarized the member guidelines.

**4. Discuss electing a Chairman and Vice-Chairman**

The Board briefly discussed the nominations for Chairman and Vice-Chairman.

**5. Discuss items on the regular agenda**

The agenda for the Regular Meeting was briefly discussed.

**6. Adjournment**

Member Raymond Moyer made a motion to adjourn the Work Session. Member Robert Kittrell seconded the motion. The motion passed 4-1. Alternate Member Chris Kizziar abstained from the vote.

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APRIL 28, 2014**

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**1. Call to Order**

Member Raymond Moyer called The Board of Adjustment Regular Meeting to order at 7:05 p.m.

**2. Elect a Chairman and Vice-Chairman**

Member Robert Kittrell made a motion to nominate Member Raymond Moyer as the Chairman for The Board of Adjustment. Member Wanda Hoff seconded the motion. Member Wanda Hoff made a motion to nominate Member Robert Kittrell as the Vice-Chairman for The Board of Adjustment. Member Raymond Moyer seconded the motion.

Member Robert Kittrell made a motion to elect Member Raymond Moyer as the Chairman for The Board of Adjustment. Member Wanda Hoff seconded the motion. The motion passed 5-0.

Member Harris D. Brown made a motion to elect Member Robert Kittrell as the Vice-Chairman for The Board of Adjustment. Alternate Member Chris Kizziar seconded the motion. The election passed 5-0.

**3. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from December 3, 2012.**

Chairman Raymond Moyer requested that a correction be made on the minutes. Member Harris D. Brown made a motion to approve the minutes with the correction. Vice-Chairman Robert Kittrell seconded the motion. The item passed 5-0.

**4. Conduct a public hearing and take appropriate action on a variance request. The applicants are requesting a variance from the width requirements for a flag lot outlined in Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances, specifically a reduction in the minimum width of the flag portion of the lot from 35 feet to 10 feet, in order to accommodate a flag lot for a new single family home. The subject property is located at 3706 Toler Rd., being Lot 10, Block 4 of the Rowlett Ranch Estates Second Section, an addition to the City of Rowlett, Dallas County, Texas, and being a 2.267 acre tract of land in the Reason Crist Survey, Abstract 225, Rowlett, Dallas County, Texas.**

Garrett Langford, Principal Planner, came forward to present the case. He presented a location map and briefly described flag lots. Mr. Langford presented the proposed replat and provided background photographs and diagrams of the property. He summarized criteria within the Rowlett Development Code that are considered when granting a variance. Mr. Langford briefly presented the staff analysis and stated that staff recommends approval of the variance.

Mr. Langford stated that 72 public hearing notices were mailed out; one was received in favor and six were received in opposition. He mentioned that some common concerns of those in opposition were the increase in traffic, the continuance of Berryman Drive, placing a house behind existing homes, impact on the drainage, and inhibiting emergency access.

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There was additional discussion amongst the Board regarding the minimum lot width, setback requirements, access easement, comments from neighboring residences, and emergency vehicle access.

Chairman Raymond Moyer opened the public hearing.

The following speakers came forward:

**Jerry and Jessica MacDonald**  
**3706 Toler Road**  
**Applicants**

Mr. and Mrs. MacDonald expressed their hardship and reasons for requesting the variance.

There was discussion amongst the Board regarding the access easement.

A second speaker came forward:

**David Ellis**  
**4002 Toler Road**

Mr. Ellis stated that he is in opposition of the request. He expressed concerns such as: having housing behind other houses, a negative impact on water pressure and drainage, reducing lot size, and inhibiting emergency access.

Chairman Raymond Moyer asked that the applicants return to the podium for additional questioning and discussion.

The Board and the applicants discussed emergency access, drainage culverts, fire sprinkler requirements for the residence, septic system requirements, "the house behind a house" concept, the flood plain, SF9 zoning regulations, and the development process.

Vice-Chairman Robert Kittrell made a motion to close the public hearing. Member Harris D. Brown seconded the motion. The motion passed 5-0. The public hearing was closed.

The Board further discussed "the house behind a house" concept.

Vice-Chairman Robert Kittrell made a motion to approve the variance request. Member Wanda Hoff seconded the motion. The item passed 5-0.

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APRIL 28, 2014**

**5. Adjournment**

Vice-Chairman Robert Kittrell made a motion to adjourn the Regular Meeting. Member Wanda Hoff seconded the motion. The adjournment passed 5-0. The meeting adjourned at 7:48 p.m.

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**Chairman- Raymond Moyer**

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**Secretary**

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**Date**



**AGENDA DATE:** 10/22/2014

**AGENDA ITEM:** 4

**AGENDA LOCATION:**

Individual Consideration

**TITLE**

Conduct a public hearing and consider a request for a special exception to allow a monument sign to encroach into the ten-foot setback from the front property line. The subject property is located at 4301 Dalrock Road, further described as being Lot 1, Block 1 of the Providence Presbyterian Church, an addition to the City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is requesting a special exception to the monument sign setback requirements outlined in Chapter 77, Section 512 of the Rowlett Development Code. The applicant is proposing to install a new monument sign that will encroach five feet into the ten-foot setback from the right-of-way line at 4301 Dalrock Road (Attachment 1 – Location Map).

**BACKGROUND INFORMATION**

The applicant is proposing to replace an existing monument sign (Attachment 2 – Existing Sign) with a new monument sign that will have an electronic display (Attachment 3 – Proposed Sign). The existing monument sign was permitted on April 23, 1997, and is located 5 feet from the right-of-way line. At that time, the Rowlett Zoning Ordinance (Ordinance 3-4-97) allowed monument signs to be up to five feet from the right-of-way line. The Rowlett Zoning Ordinance was amended in 2001, which included changing the setback requirement for monument signs from five feet to ten feet. This resulted in the existing monument sign becoming a legal non-conforming sign. Per the Section 77-906.A. of the Rowlett Development Code, a legal non-conforming sign shall be brought into conformance with the current requirements if any of the follow occur:

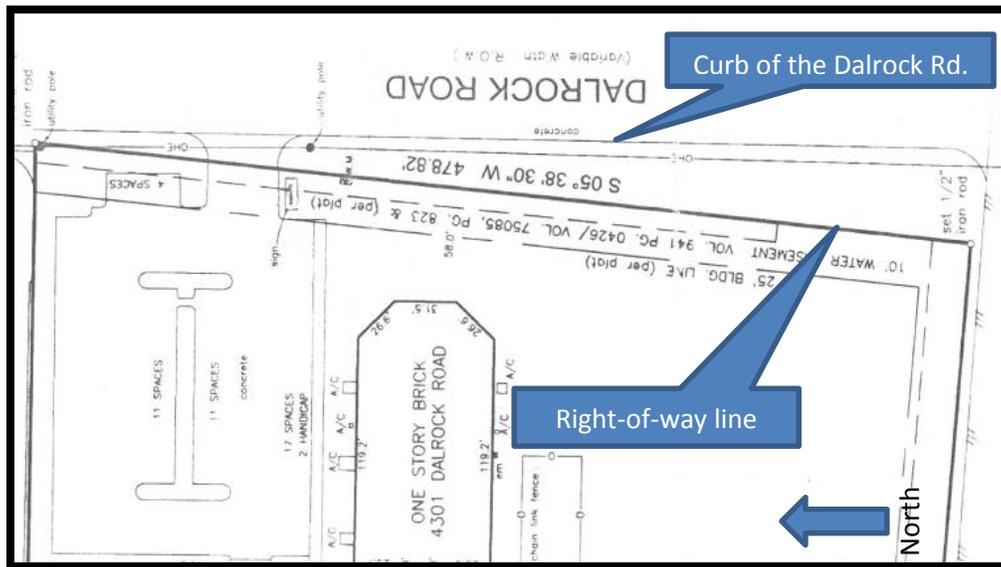
1. The size or shape of the sign or supporting structure is changed;
2. The sign structure or supporting structure is altered. Alteration does not include ordinary repairs and/or maintenance;
3. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status;
4. Structure(s) on the property on which the sign is located is subject to an application for a building permit for reconstruction, remodeling, expansion, or other improvements, and

- the value of the proposed improvements total more than 25 percent of the appraised value of the structure as determined by the latest tax rolls; or
5. An approved application for a certificate of occupancy for a change of business is issued and a sign is associated with such occupancy. This subsection applies to on-premise advertising signs only;
  6. Portable signs shall have no lawful nonconforming rights or status.

Replacing the monument of the sign with a new sign cabinet constitutes as the alteration of a sign structure (See #2 from above). As a result, the new monument sign must meet the current ten-foot setback from the right-of-way line. The applicant was issued a sign permit on April 24, 2014, to relocate the monument sign in front of the building outside of the 10-foot setback.

Prior to starting construction, it became apparent that the sign could not be located in the area shown in the April 24<sup>th</sup> sign permit. The proposed location would interfere with a drainage ditch that is located between the front property line and the building. The other location considered by the applicant and the property owner was to locate the sign five feet to the west from the existing location. However, this would require the removal of a parking space and would lower the visibility of the new sign from Dalrock Road. Given these constraints, the applicant is now pursuing a special exception to locate the new monument sign in the same location as the existing monument sign, five feet from the right-of-way line.

As illustrated in the figure below, the right-of-way line of 4301 Dalrock Road does not run parallel with Dalrock Road (Attachment 4 – Survey Boundary). Starting from the northeast corner of the subject property, the right-of-way line runs at an approximately five degree angle towards the southwest while Dalrock Road runs north and south. The southeast corner of the subject property is approximately 50 feet west from the back of curb of Dalrock Road while the northeast corner of the subject property is approximately 11.5 feet from the back of curb of Dalrock Road.



The right-of-way line in front of the existing monument sign is 17 feet from the back of curb of Dalrock Road. If the right-of-way line ran parallel with Dalrock Road at 11.5 feet from the back of curb, then the existing monument sign would be more than ten feet from the right-of-way line and would be permitted by right and would not need a special exception.

There are no plans for the City to use the additional right-of-way in front of 4301 Dalrock Road for future street improvements. There is an eight inch water line and a 12-inch water line within this area of the additional right-of-way. The new sign will not sit over or interfere with these water lines. Along the frontage of the subject property there is a ten-foot utility easement, which the existing monument sign is located within. The Development Service Engineer has no objections to replacing the existing monument sign with a new monument sign as there will be no utilities directly under the sign. The purpose of the easement is to allow the City to access the water lines in case of repair. The applicant and the property owner have signed a release waiver stating that the City will not be responsible for damages should the sign need to be removed from the easement in order to access the water lines.

## **DISCUSSION**

The approval criteria for a Special Exception are outlined in Section 77-512.F. of the Rowlett Development Code (RDC). Staff recommends that Board of Adjustment consider the request based on the following approval criteria as state below. Following the criteria below, Staff has provided commentary on how the request meets the criteria.

*Section 77-512.F.2. Approval Criteria.* Decisions on Special Exception shall be based on consideration of the following criteria:

- (a) The board of adjustment may grant special exceptions from the provisions of this section [77:512] if it appears that the provisions would work a manifest injustice.
- (b) In considering a request for special exception to requirements of this section [77:512], the board of adjustment shall consider, but not be limited to, the type of sign, existence of signs in the general area, the degree of change requested, the reason for the exception request, the location of the exception request, the duration of the requested special exception, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, the effect of the exception on the general plan of regulating signs within the city, and such other factors as the board deems pertinent.
- (c) No special exception shall be granted by the board of adjustment if the same conflicts with the spirit of this Code, which is one of providing public safety, adequate lighting provisions, open space and air, conservation of land, protection of property values, and encouraging the appropriate use of the land.

A manifest injustice describes something which is obviously unfair that is direct, obvious, and observable. This criterion is to ascertain whether the ten-foot setback from the right-of-way line creates an obviously unfair situation for the subject property. The fact that right-of-way line for the subject property does not run parallel with Dalrock Road creates a situation that could be unfair to the property owner. The proposed location of the new monument sign would be permitted by right, if not for the unusual location of the right-of-way line that is angled away from Dalrock Road.

There is no other portion of Dalrock Road where the right-of-way line is angled away from the actual street to the degree that is evidenced at 4301 Dalrock Road. Setting a monument sign ten feet from the right-of-way line at 4301 Dalrock Road will result in a farther setback for the monument sign than what is evident at other properties along Dalrock Road. In Staff's opinion, this can create a hardship or injustice for the subject property as the visibility of the monument sign will be reduced in order to comply with the setback. The applicant provided drawings illustrating the reduction in visibility if the sign is moved to meet the 10 foot setback (Attachment 5 – Visibility Exhibits). The proposed placement of the new monument sign will be in the same location in relation to the street as are other signs located on Dalrock Road.

The purpose of the setback for monument signs is to ensure that the sign does not interfere with traffic, create a distraction, or block visibility. Granting a special exception to allow the replacement sign at the existing location would not block traffic visibility, create a distraction or interfere with public safety. The new monument sign will be set at least 22 feet from the road and will not interfere with traffic visibility.

### **Public Notice**

Notices of this request were mailed to property owners within 200 feet. On October 7, 2014, a total of 50 notices were mailed. As of October 17, 2014, one has been returned in favor of the request and one returned in opposition to the request (Attachment 6 – Returned Public Notices). The response in opposition stated that the sign should comply with the requirements.

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

N/A

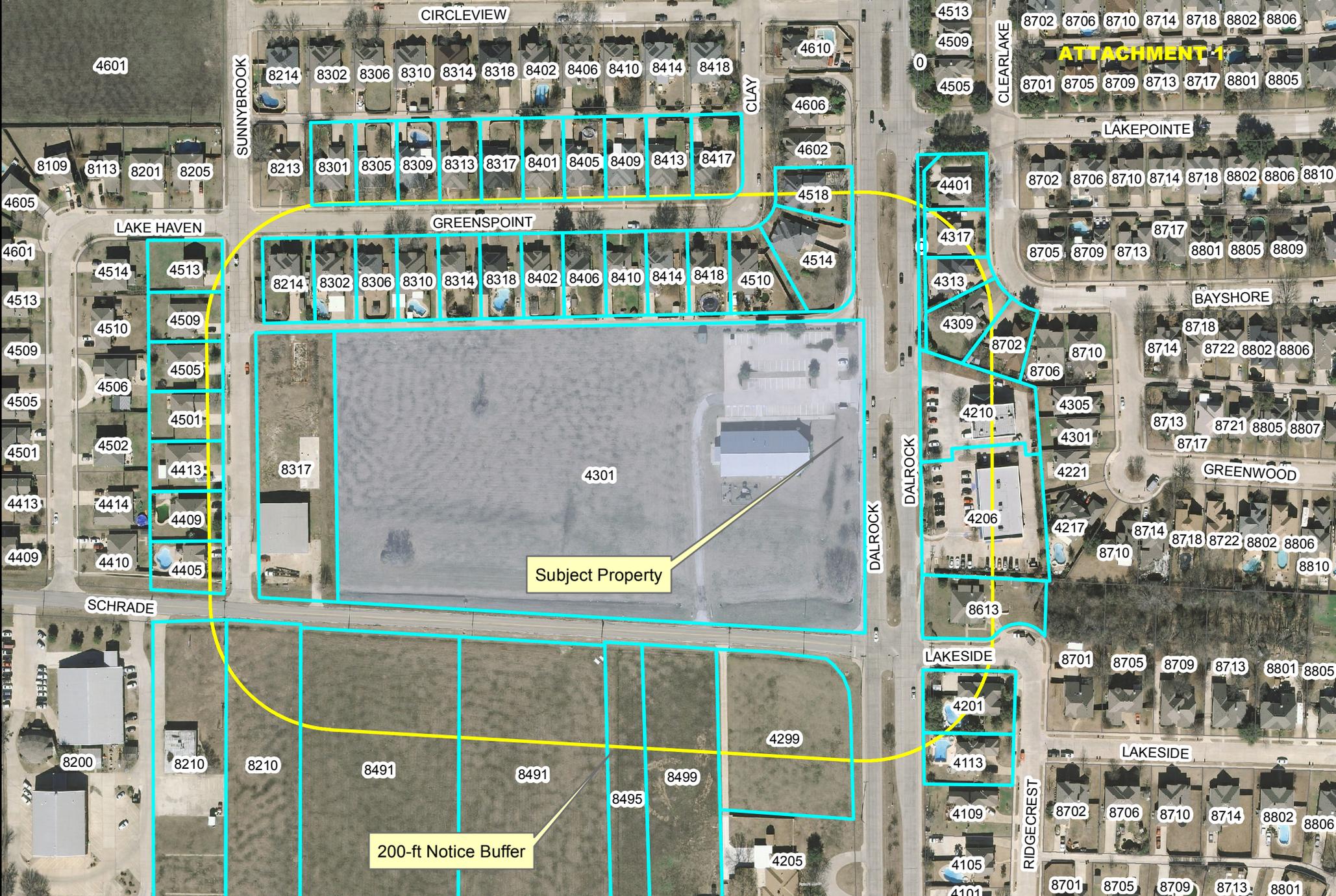
### **RECOMMENDED ACTION**

Staff recommends approval of the request to allow a new monument sign to replace the existing monument sign at its current location.

### **ATTACHMENTS**

- Attachment 1 – Location Map
- Attachment 2 – Site Pictures
- Attachment 3 – Proposed Sign
- Attachment 4 – Boundary Survey
- Attachment 5 – Visibility Exhibits
- Attachment 6 – Returned Property Owner Notices

**ATTACHMENT 1**



Subject Property

200-ft Notice Buffer



New Horizon Vineyard Church  
Monument Sign Setback  
4301 Dalrock Road  
Map Created: October 7, 2014



**SPECIAL EXCEPTION  
200 FT NOTICE  
LOCATION MAP**

4301 Dalrock Road

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4301 Dalrock Road

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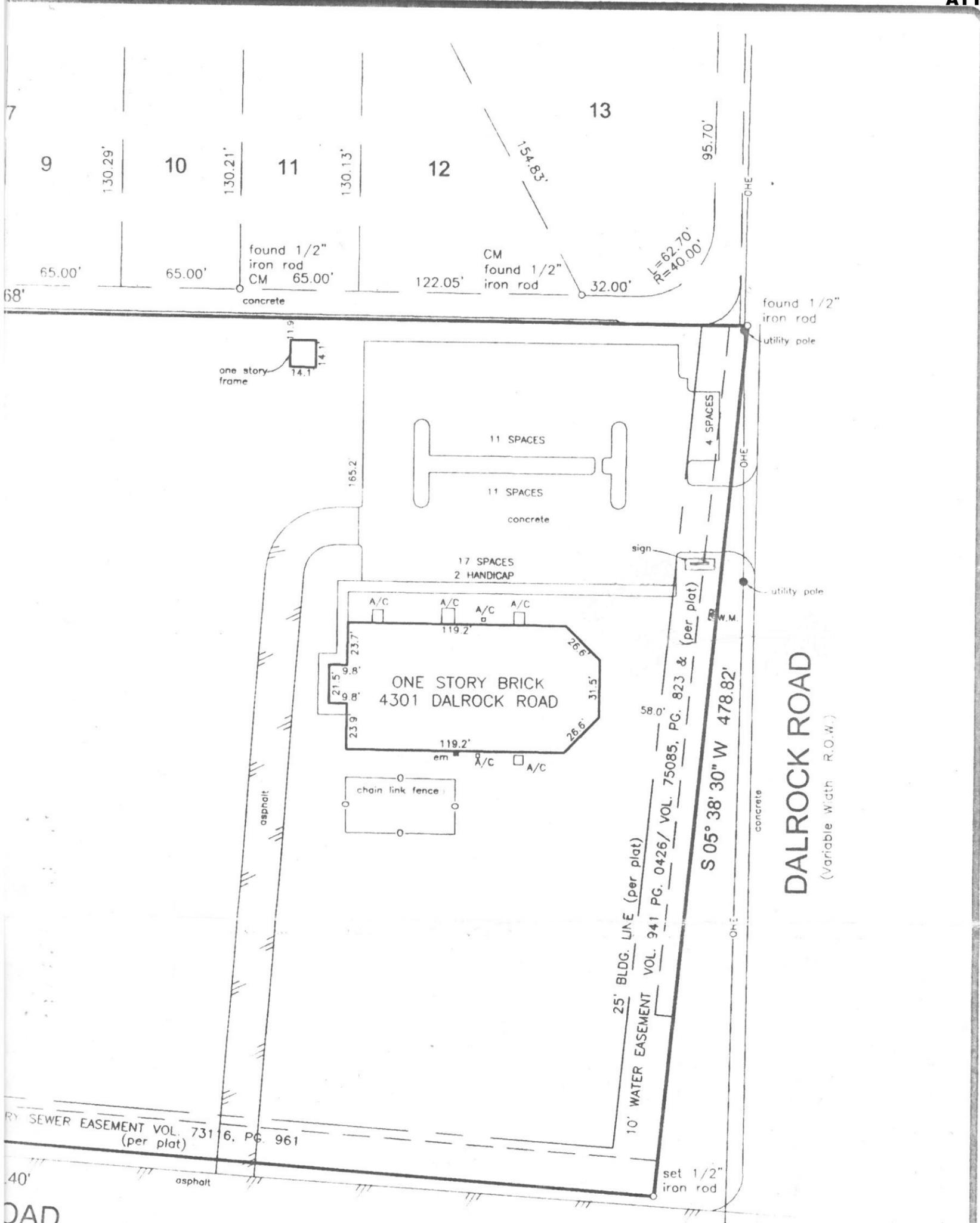


4301 Dalrock Road





 <p><b>DATATRONIC CONTROL, INC.</b> 5130 Dexham Rd. Rowlett, TX 75088 Tel: (972)475-7879 Fax: (972)475-4163</p>	<p><b>DESIGNED BY: KMD</b></p>	<p><b>DATE: 09-12-12</b></p>	<p><b>Scale: 1/49.88"</b></p>	<p><b>Customer: New Horizon Vineyard Church</b></p>	<p><b>QUOTE: 1209-1116-5144</b></p>
<p><small>This original design and all information contained herein are the property of Datatronic Control, Inc. and is subject to return, any unauthorized use is prohibited. Images shown on the sign may not display actual resolutions. This drawing shows estimates for representation and size only. Actual sizes may vary and this should in no way constitute as a technical or engineered drawing. The sizes, layouts, and images used in this drawing are for the sole purpose of being viewed by the client to estimate how a sign may be displayed. Refer to an engineer drawing for actual sizes, layouts, and scales. Datatronic Control, Inc does not perform any electrical work. All Electrical Work must be performed by a Licensed Electrician.</small></p>			<p><b>Brief Description: CINEVISION VIDEO DISPLAY 10mm 72 x 264 MATRIX</b></p>		



REVISIONS	BY
06/27/01 WATER EASEMENT	GS

**PRECISE LAND SURVEYING, INC.**  
 4915 GUS THOMASSON ROAD \* MESQUITE, TEXAS 75150  
 (972) 681-7072 FAX (972) 279-1508

**BOUNDARY SURVEY**  
**LOT 1, BLOCK 1**  
 PROVIDENCE PRESBYTERIAN  
 CHURCH ADDITION  
 DALLAS COUNTY, TEXAS

PROPERTY DESCRIPTION

Being Lot 1, Block 1 of Providence Presbyterian Church Addition, an addition to the City of Rowlett, Dallas County, Texas, according to the plat thereof recorded in Volume 97044, Page 02807, Deed Records, Dallas County, Texas.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the above described tract of land.

There are no visible conflicts, visible evidence of easements or rights-of-way, or protrusions, except as shown.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the Map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 480185 0010 C, dated June 5, 1997. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This Survey is not to be used for construction purposes and is for the exclusive use of Texas Title Company, Security Bank, N.A., and Providence Presbyterian Church only and this survey is made pursuant to that one certain title commitment under the GF number 2001 PR 124503-S, provided by the title company named hereon.

*Bennie W. White*  
 REGISTERED PROFESSIONAL LAND SURVEYOR



SURVEYOR	BWW
DATE	06/20/01
TECH	BE
PARTY CHIEF	JC
SURVEY DATE	06/19/01
DRAWING FILE	F:\01-DRAW\401-0283
MAPSCO #	30B-A
SCALE	1" = 60'
JOB NUMBER	401-0283
SHEET	

**SHOWING FIELD OF VISION WITH FENCE BLOCKING**



SHOWING FIELD OF VISION WITHOUT FENCE BLOCKING



# SHOWING FIELD OF VISION WITH FENCE BLOCKING WITH CODE RESTRICTED SET-BACK



# SHOWING FIELD OF VISION WITH FENCE BLOCKING WITH CURRENT SET-BACK



# SHOWING FIELD OF VISION WITHOUT FENCE BLOCKING WITH CURRENT SET-BACK





**Department of Development Services**

**NOTICE OF PUBLIC HEARING FOR SPECIAL EXCEPTION**

**TO:** Property Owner  
**RE:** Application for a Special Exception

**LOCATION:** The subject property is located at 4301 Dalrock Road, further described as being Lot 1, Block 1 of the Providence Presbyterian Church, an addition to the city of Rowlett, Dallas County, Texas. A location map depicting the 200 foot notification area is attached for reference. This notice and the notification area are required under Chapter 211.010 of the Texas Local Government Code.

**EXPLANATION OF REQUEST:** The applicant is requesting a special exception to the monument sign setback requirements outlined in Chapter 77, Section 512 of the Rowlett Development Code. The applicant is proposing to install a new monument sign that will encroach into the 10-foot setback from the front property line along Dalrock Road.

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

**COMMENTS:** THEY ARE GOOD NEIGHBORS. THE SIGN SHOULD NOT PRESENT A PROBLEM FOR US. *[Signature]*

**ADDRESS:** 8214 GREENSPPOINT DR, ROWLETT, TX 75088

<p>Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at <b>7:00 p.m. on Wednesday, October 22, 2014</b>. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.</p> <p>Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services <b>by 5:00 pm on Friday, October 17, 2014</b>, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.</p>	
<p>If you have any questions concerning this request, please contact                  Garrett Langford in the                  Department of Development Services                  Phone 972-412-6166  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Department of Development Services                  PO Box 99                  Rowlett, TX 75030-0099                  FAX 972-412-6228</p>



Department of Development Services

**NOTICE OF PUBLIC HEARING FOR SPECIAL EXCEPTION**

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

**COMMENTS:** All other businesses or churches will expect to file a request approved to move their signs - they will be too close to the road (Dalrock)

**ADDRESS:** 8405 Queenspoint Dr. Rowlett, TX 75088

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 7:00 p.m. on Wednesday, October 22, 2014. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.

Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services by 5:00 pm on Friday, October 17, 2014, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

If you have any questions concerning this request, please contact  
 Garrett Langford in the  
 Department of Development Services  
 Phone 972-412-6166  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Department of Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099  
 FAX 972-412-6228