



# 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, July 5, 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**
  - 2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.074 (Personnel) to deliberate the employment, evaluation, and duties of, and compensation for, the City Manager. (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING) (45 minutes)
  3. **WORK SESSION (5:30 P.M.)** \* Times listed are approximate.
  - 3A. Joint meeting of Parks Advisory Board and Council. (45 minutes)
  - 3B. Discuss Senior Tax Freeze and Exemption. (20 minutes)
  - 3C. Presentation by NuRock Companies regarding consideration for 4% TDHCA tax credits. (30 minutes)
  - 3D. Discuss plans to issue \$4.75 million General Obligation Bonds at part two of three year bond plan. (20 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.** Proclamation recognizing July as National Parks and Recreation Month.
- 5B.** Presentation of a \$5000 fundraiser check from “Scavenge Rowlett” to the Rebuild Rowlett Foundation.
- 5C.** 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 June 21, 2016 City Council Regular Meeting.
- 7B.** Consider action to approve a resolution allowing the City Manager to negotiate and execute an amendment to the Financial Advisory Services agreement with FirstSouthwest Asset Management, Inc. for arbitrage rebate compliance services.
- 7C.** Consider action to approve a resolution authorizing the City Manager to submit an individual safe room rebate program application under the Hazard Mitigation Grant Program (HMGP).

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

- 8A.** Conduct a public hearing and consider an ordinance to rezone from General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility. The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, City of Rowlett, Dallas County, Texas.
- 8B.** Conduct a public hearing and consider an ordinance to rezone from Single Family-10 and Single Family-8 Zoning District to a Planned Development District with an underlying zoning of Single Family 5 (SF-5) for the purpose of constructing a single family neighborhood. The subject property is located at 7900 Chiesa Road further described as being 22.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas.

- 8C.** Conduct a public hearing and consider an ordinance approving a Special Use Permit to allow an accessory building that does not meet the requirements in Section 77-303 of the Rowlett Development Code. The subject property is located at 7714 Princeton Road further described as being a 6.89 +/- acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, City of Rowlett, Dallas County, Texas. (SUP126-2016)

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

**9. ADJOURNMENT**

*Stacey Chadwick*

Stacey Chadwick, Deputy 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 1<sup>st</sup> day of July 2016, by 5:00 p.m.



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

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
[www.rowlett.com](http://www.rowlett.com)

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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 2A

**TITLE**

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.074 (Personnel) to deliberate the employment, evaluation, and duties of, and compensation for, the City Manager. (THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING) (45 minutes)



# City of Rowlett

## Staff Report

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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 3A

### **TITLE**

Joint Work Session of Parks and Recreation Advisory Board and Council. (45 minutes)

### **STAFF REPRESENTATIVE**

Angela Smith, Director of Parks and Recreation

### **SUMMARY**

Council has set the expectation of meeting one-on-one each year with City Boards and Commissions to discuss their respective roles and future direction. Wayne Baxter, Chair, and members of the Parks and Recreation Advisory Board will share the Board's perspective on their service in this capacity, reporting last year's accomplishments and this year's plans and goals. Members will also engage in conversation about how the Board provides advisory services to Council for the citizens of Rowlett.

### **BACKGROUND INFORMATION**

On December 1, 2015, Chairpersons and Staff Liaisons for the City's Boards and Commissions met with Council to discuss Council's request for a review of the boards' roles and purpose as outlined in the *Boards and Commissions Handbook*. Council also asked for reports on the boards' FY15 accomplishments and FY16 plans and goals. This information, as well as discussion over how the boards interact with Council on behalf of the citizens of Rowlett would be included in a joint work session held between Council and each of the boards on an annual basis. Future budgetary needs might also be discussed at that time.

### **DISCUSSION**

The Parks and Recreation Advisory Board has spent significant time and effort to prepare for this presentation. The Board will present FY2015 accomplishments including supporting the design and build process for the Scenic Point Park pedestrian bridge and the rebuild of Kids Kingdom Playground. The Board will discuss how they were involved in the rebuild of Kids Kingdom including exploring replacement playground options; determining the proper location of the future playground; reviewing and making a recommendation on the final vendor; appointment of a playground subcommittee; and fundraising for playground amenities and the recruiting of volunteers for the playground build phase I and II.

Plans for FY2016 will include supporting the completion of the Kids Kingdom playground including continuing picket sales and exploring grant opportunities; supporting current CIP/Bond projects; marketing Parks and Recreation through volunteerism of Parks Board Members at Special Events and assisting in the development of future CIP/Bond projects.

The Board also has several future concerns they would like to see addressed including increasing the number of baseball, softball and soccer fields in Rowlett; development and design of the new Parks Master Plan; and the future of undeveloped park space and possibility of developing a dog park.

**FINANCIAL/BUDGET IMPLICATIONS**

N/A

**RECOMMENDED ACTION**

No action required. Information only.

**ATTACHMENT**

N/A



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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 3B

**TITLE**

Discuss the Over 65 tax freeze and exemption. (20 minutes)

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager

**SUMMARY**

The purpose of this item is to discuss how the change in the Over 65 tax exemption in 2014 affected senior citizens in the current year.

**BACKGROUND INFORMATION**

In 2004, the Rowlett City Council adopted an ordinance setting the tax exemption for seniors and people with disabilities at \$67,000. Due to the Senior/Disabled Property Tax Exemption and the Senior Property Tax Freeze, property taxes paid to the City of Rowlett had dropped by \$3.4 million, equivalent to 11 cents on the property tax rate by 2014. The City is only one of seven out of 31 cities in Dallas County that has adopted the freeze.

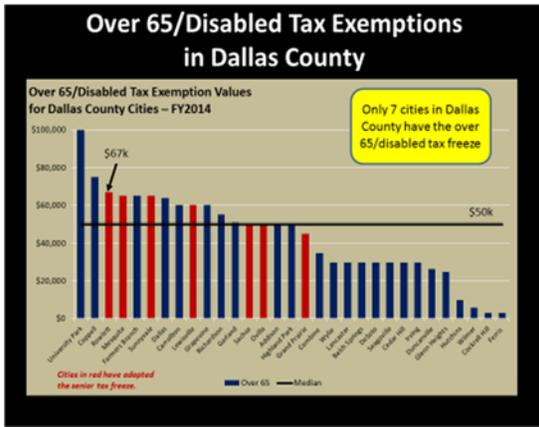
City Council discussed this issue several times between 2013 and 2014. As a result, on September 16, 2014, the City reduced the value of the tax exemptions from \$67,000 to \$30,000 for seniors and \$50,000 for people with disabilities.

**DISCUSSION**

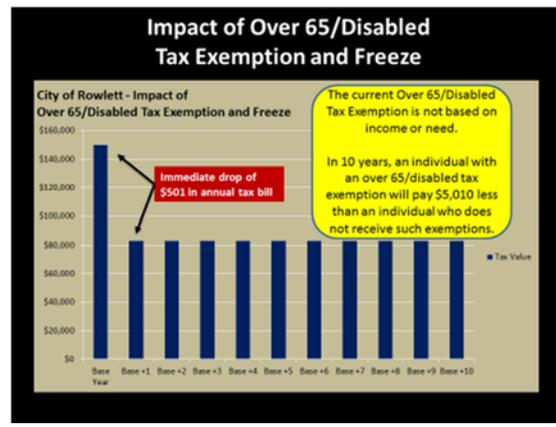
As indicated above, the City of Rowlett amended the Over 65 tax exemption from \$67,000 to \$30,000. This was a significant challenge for Rowlett as it continued to erode our tax base. It was complicated by two factors: 1) in 2004, Rowlett adopted the Over 65 tax “freeze” and 2) Rowlett had the second highest Over 65 tax exemption in Dallas County. The table below describes the impact the Over 65 Tax Exemption and Freeze had on revenue through 2014.

| <b>CHALLENGE #4: OVER 65/DISABLED TAX EXEMPTIONS</b>  |
|---|
| The City of Rowlett is one of only seven cities out of 31 in Dallas County that has adopted the tax freeze. In addition, Rowlett has the third highest exemption in the County. For FY2014, the value in lost tax revenue to the City is \$3.4 million or equivalent to 11 cents on the tax rate. For those over 65, the exemption is not based on financial need or hardship, simply on age. While the freeze is permanent for those who already receive it, the exemption can be lowered for future generations. The freeze creates a secondary benefit in that it cannot be increased above its original amount even if the market value increases. Therefore, since the tax exemption is higher than most other cities and Rowlett also offers the freeze, the exemption should be lowered. |

**CHART 16**



**CHART 17**

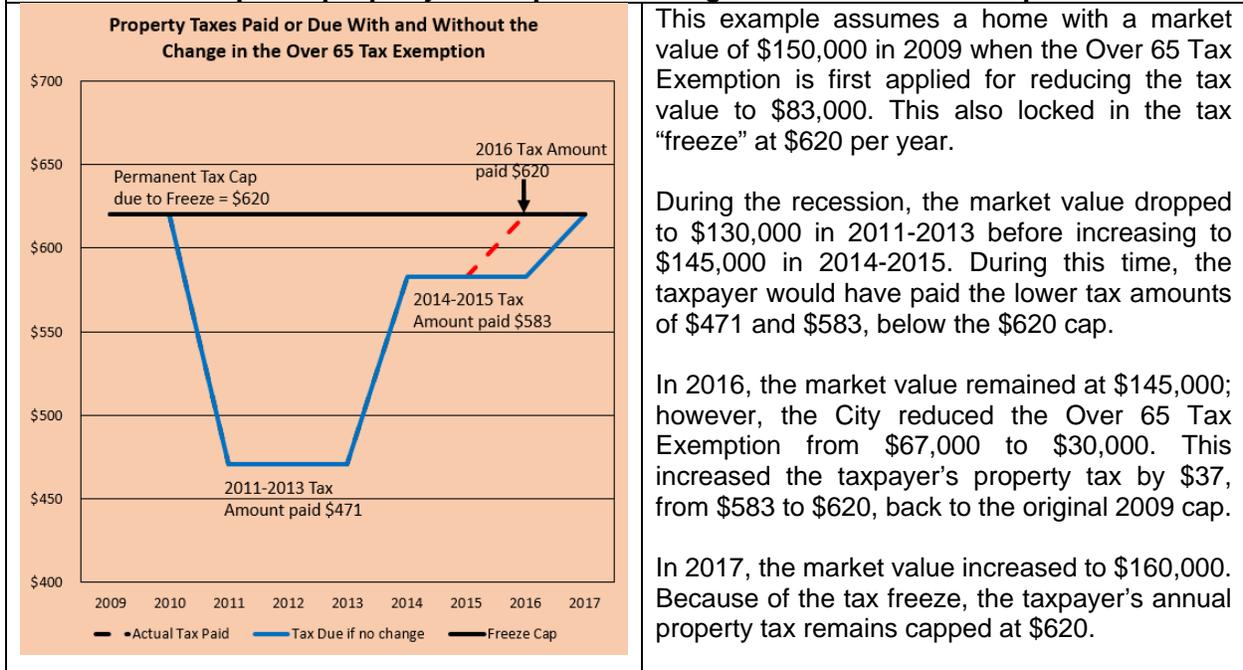


In 2014-2015, staff had several discussions with the City Council about this issue and how much the program had grown over time. For example, as of FY2014, the value of the combined Over 65 tax exemption and freeze was \$3.4 million - equivalent to 11 cents on the tax rate. It was also noted that the exemption was not based on financial need to hardship, simply on age.

The purpose of this discussion is to acknowledge an inaccuracy in previous meetings on this issue. In those meetings, staff indicated that reducing the amount of the exemption would have no impact on those individuals over 65 or people with disabilities who, at that time, were receiving the tax exemption – due to the “tax freeze”. It was understood that the change in the exemption amount would affect future residents when they turned 65 or became disabled not current recipients.

Staff’s understanding was not accurate. While it is true that changing the exemption could not change an individual’s maximum payment cap because of the tax freeze, it can and did reduce the benefit for those individuals who were currently paying “less than” their maximum cap. This is because it is possible for individuals who receive the Over 65 tax “freeze” to pay less than their cap in years that the market value of their homes decline but they can never pay more than their cap even if the market value of their homes double or triple in value. This is because the freeze is based on the amount of taxes paid not the taxable value. The example below highlights how the market value can affect the property taxes paid over time and how the change in 2016 could have affected a taxpayer who was paying below their original tax cap at that time.

### Example of property tax impact of change to Over 65 tax exemption



#### Key stats:

- City of Rowlett currently (FY2016) has 3,298 properties receiving the Over 65 tax cap, 2,877 in Dallas County and 421 in Rockall County. Included in this amount are 342 homes that was in the tornado disaster zone.
- In FY2015, before the change in the Over 65 tax exemption took place, 710 homeowners were below their Over 65 permanent tax cap.
- When the Over 65 tax exemption was lowered from \$67,000 to \$30,000, 649 homeowners were moved back to their Over 65 permanent tax cap. The average increase in the tax bill was \$66.49.

In summary, the reduction of the Over 65 tax exemption “did” affect individual homeowners who, at the time of implementation, were paying below their individual permanent tax cap. While this amount was minor, in many cases, staff acknowledges that in its focus on the permanent tax cap, up to 649 individual homeowners who were paying below the cap were increased to the permanent tax cap. If they change had not been made, these taxpayers may have received the benefit of the lower tax payment for another year or two until market values increased.

One final note: the current Over 65 tax exemption provides an annual benefit of \$236 while fully disabled residents receive a benefit of \$394 each year.

#### FINANCIAL/BUDGET IMPLICATIONS

N/A

#### RECOMMENDED ACTION

Information only.

## **ATTACHMENTS**

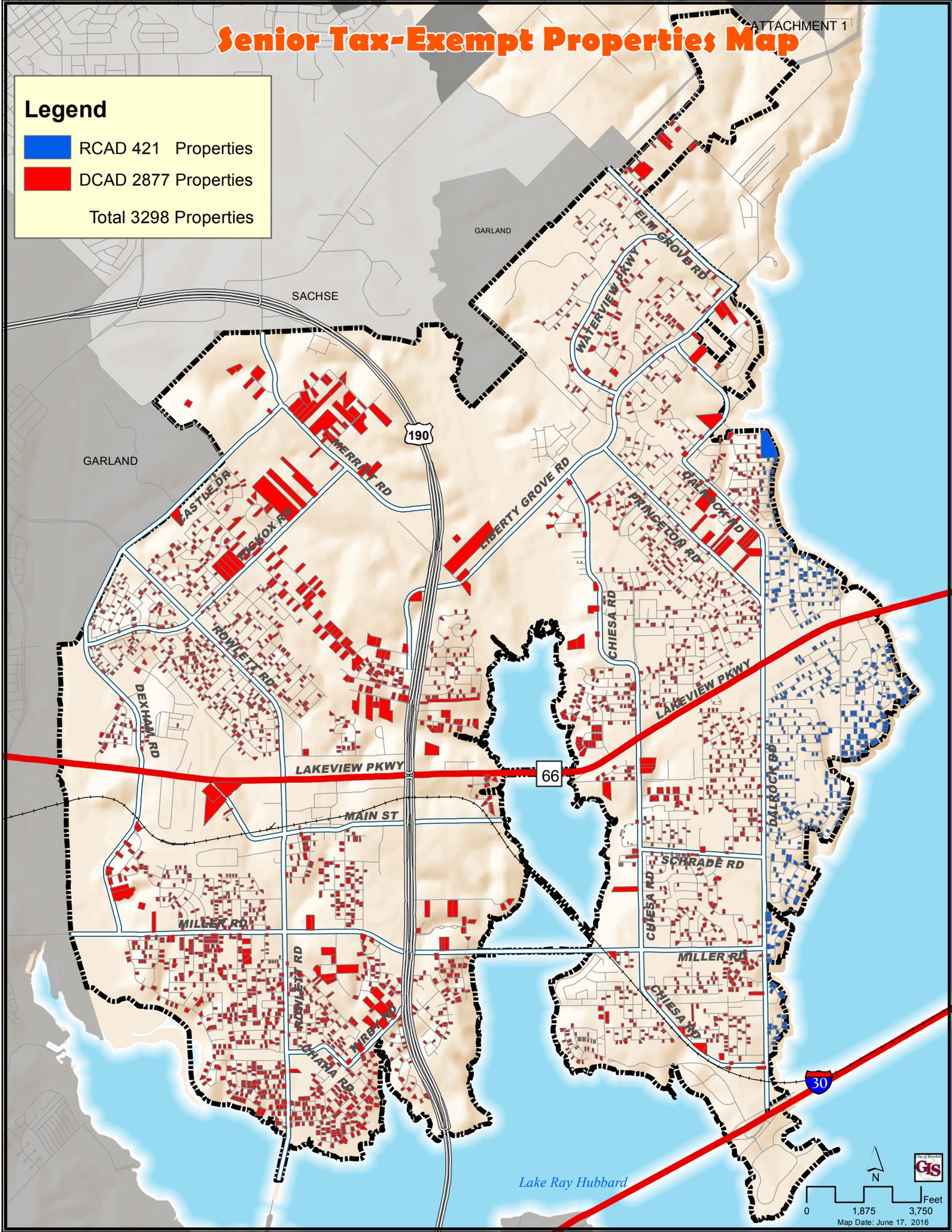
Attachment One – Senior Tax Exempt Properties Map

Attachment Two – Senior Tax Exempt Properties Map in Tornado Zone

# Senior Tax-Exempt Properties Map

**Legend**

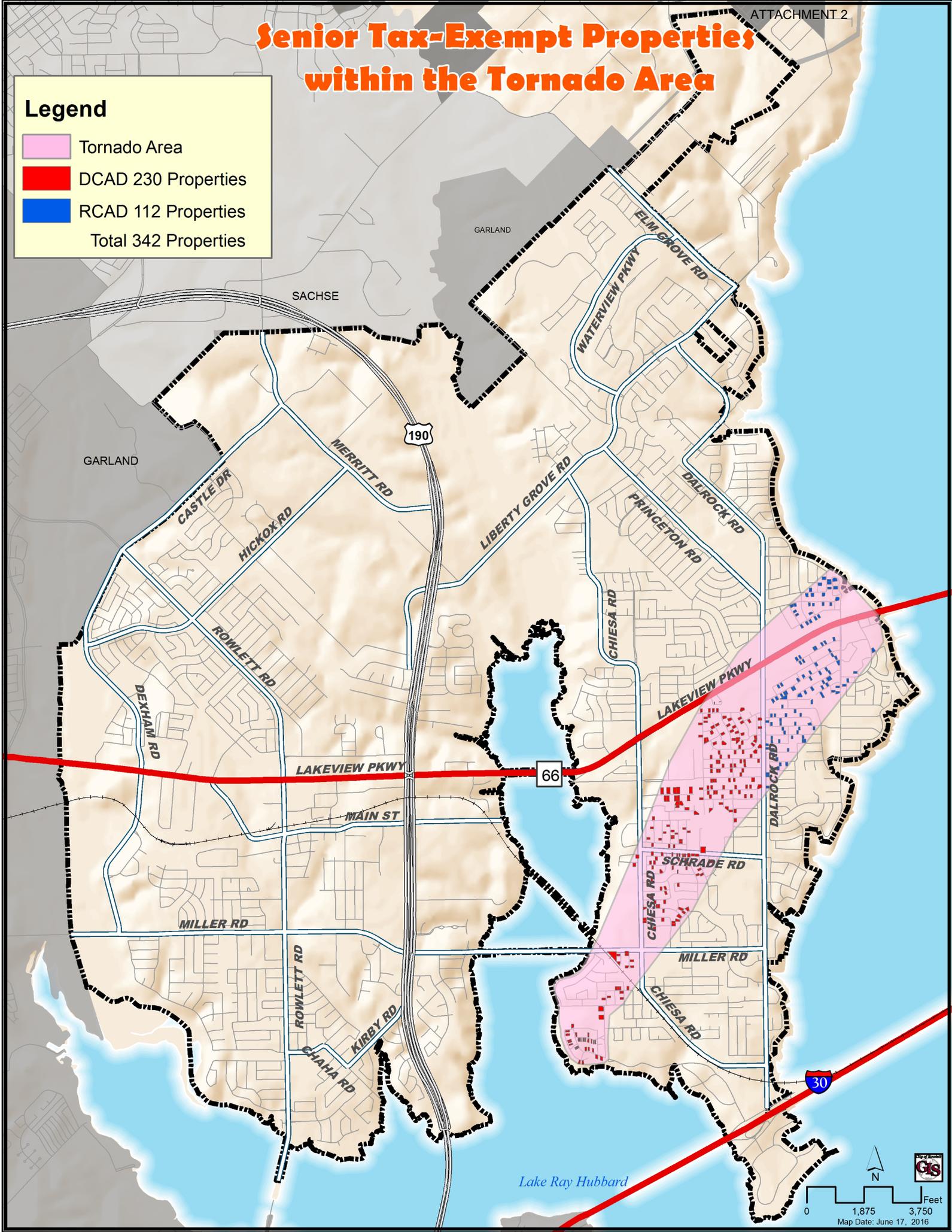
- RCAD 421 Properties
- DCAD 2877 Properties
- Total 3298 Properties



# Senior Tax-Exempt Properties within the Tornado Area

## Legend

- Tornado Area
- DCAD 230 Properties
- RCAD 112 Properties
- Total 342 Properties





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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 3C

**TITLE**

Presentation by NuRock Companies regarding consideration for 4% TDHCA tax credits. (30 minutes)

**STAFF REPRESENTATIVE**

Marc Kurbansade, Director of Development Services

**SUMMARY**

NuRock Companies approached City staff about a two separate properties about consideration for the non-competitive 4% tax credits. NuRock is considering two different properties, and NuRock would apply for either of these properties under the workforce/family component of the tax credit program.

This meeting will largely be conducted by NuRock Companies, with the main intent being to allow NuRock to introduce themselves and the two properties being considered.

**BACKGROUND INFORMATION**

NuRock Companies approached City staff about the Texas Department of Housing and Community Affairs (TDHCA) non-competitive 4% tax credit program. NuRock has developed a number of multifamily communities in Florida, Georgia and Texas. These communities include tax-credit programs in both the senior category and the workforce/family category. More information about NuRock Companies can be found at [www.nurock.com](http://www.nurock.com), which includes the company's mission and a list of representative projects.

NuRock is currently considering two different properties, both for the workforce/family category. The first property is generally located at the southeast corner of Chiesa Road and SH66/Lakeview Parkway (location map on following page). This development would include approximately 220 multifamily units.

*{remainder of page intentionally left blank}*



The second property being considered is generally located on the northwest corner of Rowlett Road and Kyle Road, approximately 200-feet south of the Rowlett Police Department building. This development would include approximately 248 multifamily units.



NuRock has not provided any concept plans to staff at this time for either project.

### **DISCUSSION**

The Texas Department of Housing and Community Affairs (TDHCA) offers a non-competitive 4% tax credit program. Although the program is non-competitive, part of the application requires the City to issue a resolution of no objection for a particular project.

NuRock Companies will provide a presentation, including their company background as well as information about each of the prospective sites being considered. Council is being asked to determine if they wish to issue a resolution of no objection for the project.

### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

### **RECOMMENDED ACTION**

Staff requests that City Council consider NuRock's request and provide direction pertaining to potential future application to the TDHCA 4% non-competitive tax credit program.

### **ATTACHMENTS**

N/A



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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 3D

**TITLE**

Discuss issuing General Obligation bonds authorized in 2015. (20 minutes)

**STAFF REPRESENTATIVE**

Kim Wilson, Chief Financial Officer

**SUMMARY**

The City of Rowlett desires to issue \$4.75 million in general obligation improvement debt for the second phase of the 2015 Bond Election Capital Plan.

**BACKGROUND INFORMATION**

On May 9, 2015, Rowlett voters approved a \$25.8 million capital improvements plan bond election. On July 21, 2015, the City issued the first \$10.1 million toward this three year plan. Year two of this plan includes \$4.75 million for reconstruction of infrastructure in Dalrock Estates and Highland Meadows, alley reconstruction, sidewalk connections, park improvements and the Public Safety Department Training Center and Close Fiber Ring.

| CIP-PROJECTS - BOND ELECTION 2015 - THREE YEAR PLAN/SCHEDULE    |   |                             |                        | ATTACHMENT 1                 |                      |                      |                      |                     |
|---|---|-----------------------------|------------------------|------------------------------|----------------------|----------------------|----------------------|---------------------|
| Proj #  | Project   | Total Project Cost Estimate | Estimated Design Costs | Estimated Construction Costs | Year 1 Costs 4Q/YY15 | Year 2 Costs 4Q/YY16 | Year 3 Costs 4Q/YY17 | Totals              |
| 1   | Prinrose Lane Street Reconstruction                   | \$1,550,000                 | \$175,000              | \$1,375,000                  | \$1,550,000          |                      |                      | \$1,550,000         |
| 1   | Phase 1 Dalrock Estates Street Reconstruction         | \$3,400,000                 | \$600,000              | \$2,800,000                  | \$1,600,000          | \$1,700,000          | \$100,000            | \$3,400,000         |
| 1   | Phase 1 Highland Meadows Street Reconstruction        | \$3,850,000                 | \$430,000              | \$3,420,000                  | \$430,000            | \$1,900,000          | \$1,500,000          | \$3,850,000         |
| 1   | Phase 1 Lake Country Estates Street Reconstruction    | \$3,850,000                 | \$350,000              | \$3,500,000                  |                      |                      | \$3,450,000          | \$3,850,000         |
| 1   | Main St. Reconstruction from Roundabout to PGBT       | \$1,870,000                 | \$225,000              | \$1,645,000                  | \$1,870,000          |                      |                      | \$1,870,000         |
| 1   | Right Turn Lane on Main & PGBT                        | \$290,000                   |                        | \$290,000                    | \$290,000            |                      |                      | \$290,000           |
| 1   | Meritt Road Interconnector Phase 2                    | \$1,500,000                 | \$1,500,000            |                              |                      | \$250,000            | \$1,000,000          | \$1,500,000         |
| 1   | Traffic Signal at Chispa & Liberty Grove              | \$225,000                   | \$25,000               | \$200,000                    | \$225,000            |                      |                      | \$225,000           |
| 1   | Alley Reconstruction Program                          | \$2,000,000                 |                        | \$2,000,000                  | \$750,000            | \$500,000            | \$750,000            | \$2,000,000         |
| 1   | Advanced Traffic Mgmt System                          | \$800,000                   |                        | \$800,000                    | \$800,000            |                      |                      | \$800,000           |
| 1   | Sidewalk Connections                                  | \$200,000                   |                        | \$200,000                    | \$200,000            | \$200,000            | \$100,000            | \$200,000           |
| 2   | Pecan Grove   | \$75,000                    |                        | \$75,000                     | \$75,000             |                      |                      | \$75,000            |
| 2   | Wet Zone Waterpark                                    | \$660,000                   |                        | \$660,000                    | \$660,000            |                      |                      | \$660,000           |
| 2   | New Kids Kingdom                                      | \$337,500                   |                        | \$337,500                    | \$337,500            |                      |                      | \$337,500           |
| 2   | Rowlett Community Centre Renovation                   | \$350,000                   |                        | \$350,000                    | \$350,000            |                      |                      | \$350,000           |
| 2   | Lakeside Park   | \$185,000                   |                        | \$185,000                    | \$185,000            |                      |                      | \$185,000           |
| 2   | Puddle Poin Park                                      | \$185,000                   |                        | \$185,000                    |                      | \$185,000            |                      | \$185,000           |
| 2   | "Hike & Bike" Trail Plan                              | \$500,000                   | \$50,000               | \$270,000                    | \$50,000             | \$135,000            | \$135,000            | \$500,000           |
| 2   | Katy Railroad Park Soccer                             | \$300,000                   |                        | \$300,000                    | \$300,000            |                      |                      | \$300,000           |
| 2   | Katy Railroad Park Phase 2                            | \$110,000                   | \$50,000               | \$230,000                    |                      | \$0                  | \$138,000            | \$110,000           |
| 2   | Springfield Park                                      | \$600,000                   | \$60,000               | \$540,000                    |                      | \$60,000             | \$540,000            | \$600,000           |
| 2   | Community Park  | \$445,000                   | \$44,500               | \$398,500                    |                      | \$44,500             | \$398,500            | \$445,000           |
| 2   | Nature Trail  | \$84,000                    | \$8,400                | \$75,600                     |                      | \$8,400              | \$75,600             | \$84,000            |
| 2   | Veterans Park   | \$33,000                    |                        | \$33,000                     |                      |                      | \$33,000             | \$33,000            |
| 2   | Shorewood Park  | \$30,000                    |                        | \$30,000                     |                      |                      | \$30,000             | \$30,000            |
| 3   | Public Safety Dept Training Center & Close Fiber Ring |                             |                        |                              |                      |                      |                      |                     |
|   | Site Plan   | \$550,000                   |                        | \$550,000                    | \$50,000             |                      | \$500,000            | \$550,000           |
|   | Fiber Optic   | \$350,000                   |                        | \$350,000                    | \$135,000            | \$205,000            | \$100,000            | \$350,000           |
|   | Site Preparation                                      | \$500,000                   |                        | \$500,000                    | \$200,000            |                      | \$100,000            | \$500,000           |
|   | Playwork Parking                                      | \$200,000                   |                        | \$200,000                    | \$130,000            |                      | \$70,000             | \$200,000           |
|   | Confined Space  | \$150,000                   |                        | \$150,000                    | \$150,000            |                      |                      | \$150,000           |
|   | Trench Rescue   | \$150,000                   |                        | \$150,000                    | \$150,000            |                      |                      | \$150,000           |
|   | Training Tower  | \$700,000                   |                        | \$700,000                    | \$130,000            | \$550,000            |                      | \$700,000           |
|   | Driving Course  | \$200,000                   |                        | \$200,000                    |                      |                      | \$200,000            | \$200,000           |
| <b>All Projects Total</b>                                       |   | <b>\$25,288,500</b>         |                        |                              |                      |                      |                      | <b>\$25,288,500</b> |
| <b>TOTAL PROJECT EXPENSE (ESTIMATED)</b>                        |   |                             |                        |                              | <b>\$4,857,500</b>   | <b>\$4,430,000</b>   | <b>\$10,465,100</b>  | <b>\$25,288,500</b> |
| <b>APPROXIMATE PROJECT FUNDS AVAILABLE (TARGET)</b>             |   |                             |                        |                              | <b>\$4,855,000</b>   | <b>\$4,435,000</b>   | <b>\$10,758,000</b>  | <b>\$25,348,000</b> |
| <b>APPROXIMATE COST OF ISSUANCE (adjusted on June 18, 2015)</b> |   |                             |                        |                              |                      |                      |                      |                     |
| <b>BOND ISSUANCE AMOUNT (TOTAL EACH YEAR)</b>                   |   |                             |                        |                              | <b>\$110,000</b>     | <b>\$115,000</b>     | <b>\$178,500</b>     | <b>\$423,500</b>    |
|   |   |                             |                        |                              | <b>\$18,085,000</b>  | <b>\$4,750,000</b>   | <b>\$10,934,500</b>  | <b>\$25,769,500</b> |

## DISCUSSION

This will be the second issuance of the approved three year bond issue and capital improvement plan. This issuance will be for \$4.75 million and will include projects from all three of the propositions.

## FINANCIAL/BUDGET IMPLICATIONS

The following debt plan assumes a 9% increase in ad valorem valuations for the 2017 fiscal year. This plan includes a debt service increase in the Interest & Sinking fund rate of \$0.0112 that was expected and is due to a decrease in scheduled debt service net of a planned reduction in the debt service fund balance in fiscal year 2016. See the financing plan provided by the City's Financial Advisors, FirstSouthwest.

### City of Rowlett, Texas Capital Improvement Plan Preliminary- May 26, 2016- Version 2

| FYE<br>30-Sep | Taxable<br>Assessed<br>Value <sup>(1)</sup> | Assessed<br>Value<br>Growth | Total<br>Outstanding<br>Debt Service | LESS: Self Supporting Debt Service |                 |                | Total Net<br>Debt Service | Proposed Capital Plan      |                            | Total Net<br>Debt Service | Calculated<br>I&S Tax<br>Rate <sup>(1)</sup> |
|---------------|---|-----------------------------|--------------------------------------|------------------------------------|-----------------|----------------|---------------------------|----------------------------|----------------------------|---------------------------|--|
|               |   |                             |                                      | GOLF                               | W&S             | DRAINAGE       |                           | Series 2016 <sup>(2)</sup> | Series 2017 <sup>(2)</sup> |                           |  |
|               |   |                             |                                      |                                    |                 |                |                           | 2.35% TIC                  | 5.00% TIC                  |                           |  |
| 2016          | \$3,587,455,377                             | 9.57%                       | \$10,607,213                         | \$ (244,990)                       | \$ (1,638,991)  | \$ (364,582)   | \$ 8,358,649              | \$ 99,107                  | \$ 99,940                  | \$ 8,358,649              | 0.2093                                       |
| 2017          | 3,910,326,361                               | 9.00%                       | 10,593,615                           | (241,990)                          | (1,639,958)     | (362,100)      | 8,349,567                 | 99,940                     | 567,987                    | 8,448,674                 | 0.2205                                       |
| 2018          | 4,105,842,679                               | 5.00%                       | 10,235,325                           | (243,990)                          | (1,645,392)     | (366,375)      | 7,979,568                 | 99,940                     | 891,388                    | 8,647,494                 | 0.2149                                       |
| 2019          | 4,105,842,679                               | 0.00%                       | 9,454,605                            | (245,840)                          | (1,465,256)     | (363,875)      | 7,379,634                 | 323,534                    | 891,388                    | 8,594,555                 | 0.2136                                       |
| 2020          | 4,105,842,679                               | 0.00%                       | 9,094,627                            | (242,540)                          | (1,458,538)     | (365,750)      | 7,027,799                 | 325,575                    | 891,263                    | 8,244,636                 | 0.2049                                       |
| 2021          | 4,105,842,679                               | 0.00%                       | 8,755,203                            | (244,240)                          | (1,456,047)     | (337,625)      | 6,717,291                 | 322,355                    | 891,213                    | 7,930,858                 | 0.1971                                       |
| 2022          | 4,105,842,679                               | 0.00%                       | 8,266,599                            | (245,790)                          | (1,309,821)     | (344,375)      | 6,366,612                 | 323,808                    | 891,188                    | 7,581,607                 | 0.1884                                       |
| 2023          | 4,105,842,679                               | 0.00%                       | 7,299,243                            | (242,190)                          | (1,310,852)     | (345,250)      | 5,400,950                 | 324,888                    | 891,625                    | 6,617,463                 | 0.1645                                       |
| 2024          | 4,105,842,679                               | 0.00%                       | 6,523,240                            | (242,990)                          | (1,315,055)     | (340,500)      | 4,624,695                 | 320,688                    | 891,475                    | 5,836,857                 | 0.1451                                       |
| 2025          | 4,105,842,679                               | 0.00%                       | 4,461,951                            | (242,990)                          | (10,805)        | (345,000)      | 3,863,156                 | 321,200                    | 891,200                    | 5,075,556                 | 0.1261                                       |
| 2026          | 4,105,842,679                               | 0.00%                       | 2,921,499                            | (242,790)                          | (10,496)        | (348,500)      | 2,319,673                 | 321,310                    | 891,238                    | 3,532,220                 | 0.0878                                       |
| 2027          | 4,105,842,679                               | 0.00%                       | 1,393,784                            | (242,053)                          | (10,187)        |                | 1,141,544                 | 321,070                    | 891,513                    | 2,354,127                 | 0.0585                                       |
| 2028          | 4,105,842,679                               | 0.00%                       | 1,389,928                            | (241,103)                          | (6,757)         |                | 1,142,068                 | 320,533                    | 891,463                    | 2,354,063                 | 0.0585                                       |
| 2029          | 4,105,842,679                               | 0.00%                       | 1,394,634                            | (244,940)                          | (9,671)         |                | 1,140,022                 | 324,635                    | 891,525                    | 2,356,182                 | 0.0586                                       |
| 2030          | 4,105,842,679                               | 0.00%                       | 1,379,128                            | (243,353)                          |                 |                | 1,135,775                 | 323,435                    | 891,625                    | 2,350,835                 | 0.0584                                       |
| 2031          | 4,105,842,679                               | 0.00%                       | 1,136,928                            | (241,553)                          |                 |                | 895,375                   | 321,983                    | 891,200                    | 2,108,558                 | 0.0524                                       |
| 2032          | 4,105,842,679                               | 0.00%                       | 916,915                              | (244,540)                          |                 |                |                           | 325,213                    | 891,663                    | 1,216,875                 | 0.0302                                       |
| 2033          | 4,105,842,679                               | 0.00%                       | 910,603                              | (242,103)                          |                 |                |                           | 323,119                    | 891,425                    | 1,214,544                 | 0.0302                                       |
| 2034          | 4,105,842,679                               | 0.00%                       | 912,703                              | (244,453)                          |                 |                |                           | 320,680                    | 891,413                    | 1,212,093                 | 0.0301                                       |
| 2035          | 4,105,842,679                               | 0.00%                       | 912,753                              | (241,378)                          |                 |                |                           | 322,748                    | 891,525                    | 1,214,273                 | 0.0302                                       |
| 2036          | 4,105,842,679                               | 0.00%                       | 243,090                              | (243,090)                          |                 |                |                           | 324,320                    | 891,663                    | 1,215,983                 | 0.0302                                       |
| 2037          | 4,105,842,679                               | 0.00%                       | 244,378                              | (244,378)                          |                 |                |                           |                            | 891,238                    | 891,238                   | 0.0221                                       |
| 2038          | 4,105,842,679                               | 0.00%                       | 245,240                              | (245,240)                          |                 |                |                           |                            |                            | -                         | -  |
| 2039          | 4,105,842,679                               | 0.00%                       | 245,340                              | (245,340)                          |                 |                |                           |                            |                            | -                         | -  |
|               |   |                             | \$99,538,499                         | \$ (5,843,860)                     | \$ (13,287,828) | \$ (3,883,932) | \$73,842,378              | \$ 6,010,137               | \$17,504,824               | \$ 97,357,340             |  |

#### Assumptions:

- (1) Assumes Collection Rate of 96%. FY 2016 AV as reported by the City; Subject to change during the ensuing year
- (2) Assumes 8/18/16 Delivery; Total estimated COI of \$115,000; Deposit to Construction Fund = \$4,635,000
- (3) Assumes 8/11/17 Delivery; Total estimated COI of \$176,500; Deposit to Construction Fund = \$10,758,000

|                  |           |
|------------------|-----------|
| Current Tax Rate | \$ 0.2093 |
| Maximum Tax Rate | 0.2205    |
| Impact           | \$ 0.0112 |

FirstSouthwest

Public Finance Department

## RECOMMENDED ACTION

No action is necessary at this time. The bond issuance ordinances will be presented to the City Council on July 19, 2016.

## ATTACHMENTS

N/A



# City of Rowlett

## Staff Report

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

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 5A

### **TITLE**

Proclamation recognizing July as National Parks and Recreation Month.

### **STAFF REPRESENTATIVE**

Angela Smith, Director of Parks and Recreation

### **SUMMARY**

Each year, the National Recreation and Parks Association designates a theme for the month of July. July 2016 marks 31 years of Park and Recreation Month and the enduring importance of parks and recreation for the world. This July, the theme is “discover your super powers at your local parks and recreation!”

### **BACKGROUND INFORMATION**

Since 1985, America has celebrated the month of July as the nation’s official Parks and Recreation Month. Each July, the National Recreation and Parks Association encourages recreation facilities and parks across the country to kick off summer programs, promote outdoor physical recreation, and pull together volunteers to make their outdoor space a thriving center of community activity.

### **DISCUSSION**

This year, in an effort to play its role in local tourism, the Parks and Recreation Department has planned plenty of dynamic activities, beginning with the Fireworks on Main held on July 4, 2016. Fireworks on Main included vendor booths, festival food, free children’s area with bounce houses and face painting, entertainment and a fireworks show beginning at approximately 9:30 pm. This year the Department celebrated with Exile as this year’s headliner.

In cooperation with the Sports Associations, the Parks and Recreation Department will host several softball games and tournaments throughout the month. These tournaments and games bring thousands of players and participants from all over the Metroplex to Community Park during the month.

Another tourism attraction is the State recognized Paddling Trail located at Paddle Point Park. There will be hundreds of kayakers and paddle boat users at Paddle Point Park during the month of July. Lakeside Park is also utilized as a major fishing location for anglers within the area. During the early morning and late evening hours, hundreds of anglers utilize the park as a location to fish.

The Wet Zone Water Park also plays a vital role in local tourism during Parks and Recreation month. During the month of July, the Water Park will open the brand new slide feature, conduct learn to swim classes, offer Friday night movies and have special events. On an annual basis, the Parks and Recreation system has approximately 500,000 visitors and participants and the month of July is a major contributor to this annual number.

## **ATTACHMENT**

Proclamation

## **PARKS AND RECREATION MONTH**

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including Rowlett, Texas; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

**WHEREAS**, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and parks and recreation areas are fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, Rowlett, Texas recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE**, I, Todd W. Gittel, Mayor of the City of Rowlett, and on behalf of the City Council, do hereby proclaim the month of July as Park and Recreation Month in the City of Rowlett, Texas.



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

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

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 5B

**TITLE**

Presentation of a \$5000 fundraiser check from "Scavenge Rowlett" to the Rebuild Rowlett Foundation.

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager

**SUMMARY**

Steve Walker, a 15-year resident of Rowlett, had to do something when the tornado came through town on December 26, 2015. Although his home and family were untouched, the tornado left a scar on his heart just as it has done to so many others in our City. He decided the best therapy would be to help.

The first fundraiser was at Applebee's and \$2,517.18 was donated to the Rebuild Rowlett Fund. The second was the Rebuild Rowlett 5K, held on the three-month anniversary of the tornado, which raised \$40,655.29, all for the Rebuild Rowlett Fund. The third fundraiser, an urban scavenger hunt held in downtown Rowlett a few weeks ago on June 11, called Scavenge Rowlett, raised \$5000 and will be presented tonight to the Rebuild Rowlett Fund.

Scavenge Rowlett will likely become a bi-annual event and it is hoped that it will grow with each occurrence as residents in and around Rowlett become familiar with this unique concept. The 2017 Rebuild Rowlett 5K is already scheduled for April 15, 2017 and is expected to grow significantly beyond the size of this year's event. Other fundraising ideas for the coming months are in the planning stages now.

Walker recently formed a non-profit corporation called "#Rowlett Strong" in order to be able to conduct the business of fundraising for storm survivors in Rowlett and other affected cities. Look for more fundraisers over the next months and years. These are great ways to get people to participate in helping those who lost so much in just a few minutes on December 26<sup>th</sup>. Thank you Steve Walker for your willingness to continue to help raise funds for our citizens.



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

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

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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 5C

**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



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

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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 7A

**TITLE**

Consider action to approve minutes from the June 21, 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 June 21, 2016 City Council Regular Meeting.

**ATTACHMENT**

06-21-16 City Council Regular Meeting Minutes



# City of Rowlett

## Meeting Minutes

### 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, June 21, 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.

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

**Absent:** Councilmember Brown

#### 1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:34 p.m.

#### 2. EXECUTIVE SESSION

- 2A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) to discuss commercial or financial information and the offer of incentives to business prospects that the City may seek to have locate, stay or expand in Rowlett and with which the City is conducting economic development negotiations. TO BE HELD AFTER MEETING (45 minutes)

This item followed the completion of the Regular Session.

Mayor Gottel called the Executive Session to order at 8:04 p.m.

Mayor Gottel left the meeting at 9:40 p.m.

#### 3. WORK SESSION (5:30 P.M.) \* Times listed are approximate.

**3A.** Joint Work Session of Arts and Humanities Commission and Council. (45 minutes)

Kathy Freiheit, Director of Library Services, along with Jim Katzenberger, Chair, spoke regarding the Commissions FY2015 and FY2016 accomplishments, new exhibits and contests, future goals, and future funding.

Chair Katzenberger called the Arts and Humanities Commission meeting to order at 5:45 p.m.

Members of Council agreed to have a Joint Work Session with the Arts and Humanities Commission on July 12<sup>th</sup> for the presentation of the Public Art Project proposal.

There was discussion regarding keeping the grant funds within Rowlett, boosting the Commission's FaceBook page, the possible use of available space in the Village of Rowlett for an artwork piece, and the need to coordinate with other arts groups to advertise upcoming events and exhibits.

**3B.** Presentation by Avalanche Consulting on North Shore Target Industry & Recruitment Study. (45 minutes)

Jim Grabenhorst, Director of Economic Development, along with John Rees, Research Director with Avalanche Consulting, spoke concerning the results of the study which identifies target industries and provides a strategy for recruiting those industries within the North Shore District. Spoke regarding the study process, competitive advantages, target recommendations, and marketing.

There was discussion regarding larger facilities, the size of the tract of land, complimentary facilities with healthcare services, roads and infrastructure.

**3C.** Discuss status of GroundFloor Development Blue Line Loft project. (30 minutes)

Marc Kurbansade, Director of Development Services, along with Brandon Bolin with Groundfloor Development, provided an update concerning the status of the project with regard to the 9% tax credits application. Mr. Bolin also provided a 4% credit contingency plan should the 9% plan not receive enough credits from the Texas Department of Housing and Community Affairs. Stated the project is currently first on the waiting list and the final standings will be provided in September. Spoke regarding the differences between the 9% and 4% applications site plans.

**4. DISCUSS CONSENT AGENDA ITEMS**

No items were removed from the Consent Agenda to be considered individually.

The Work Session adjourned at 7:37 p.m.

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

Convened into the Council Chambers at 7:43 p.m.

## **INVOCATION**

The invocation was led by Pastor Kason Huddleston, Freedom Place Church in Rowlett.

## **PLEDGE OF ALLEGIANCE TEXAS PLEDGE OF ALLEGIANCE**

The Pledges were led by the City Council.

The Consent Agenda followed the Texas Pledge of Allegiance.

## **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.

This item followed the Consent Agenda.

Mayor Gottel provided the following announcements:

### **COUNCIL MEETINGS**

- NEXT REGULAR COUNCIL MEETINGS WILL BE HELD ON TUESDAY, JULY 5<sup>TH</sup> AND 19<sup>TH</sup>

### **P & Z MEETINGS**

- MEETINGS WILL BE HELD ON TUESDAY, JUNE 28<sup>TH</sup> IN THE ANNEX CONFERENCE ROOM AT 6:30PM
- JULY MEETINGS: 12<sup>TH</sup> AND 26<sup>TH</sup>

### **REBUILD ROWLETT “GO FUND ME” AND “PAYPAL” ACCOUNTS**

- THE ROWLETT CHAMBER FOUNDATION, A NON-PROFIT ORGANIZATION, STARTED REBUILD ROWLETT GO FUND ME AND PAYPAL ACCOUNTS
- MAKE A TAX-DEDUCTIBLE DONATION TO HELP ROWLETT RESIDENTS REBUILD THEIR LIVES AND HOMES
- [WWW.GOFUNDME.COM/REBUILDRWLETT](http://WWW.GOFUNDME.COM/REBUILDRWLETT)
- PAYPAL – [WWW.REBUILDRWLETT.ORG](http://WWW.REBUILDRWLETT.ORG)

### **REUNIFICATION OF PHOTOS AFTER TORNADO**

- NATIONAL DISASTER PHOTO RESCUE WILL BE HOLDING THIS EVENT TO GIVE BACK THE PHOTOS THAT HAVE BEEN FOUND AFTER THE DECEMBER 26<sup>TH</sup> TORNADO
- SATURDAY, JUNE 25<sup>TH</sup> FROM 10AM TO 12PM AT CHURCH IN THE CITY
- LOCATED AT 6005 DALROCK RD., ROWLETT 75088; PHONE 972-412-8266

### **COMMUNITY APPRECIATION DAY**

- BEGINS AT 4PM ON SUNDAY, JUNE 26<sup>TH</sup> AT ROWLETT HIGH SCHOOL

- THANKING THE MANY VOLUNTEERS AND FIRST RESPONDERS WHO ASSISTED AFTER THE DECEMBER 26<sup>TH</sup> TORNADO
- LONG TERM RECOVERY COMMITTEE AND CITY OF ROWLETT ARE HOSTING THE EVENT
- 4PM – RECOGNITION PROGRAM
- 5PM – DINNER BY OPERATION BBQ RELIEF

### **LONG TERM RECOVERY COMMITTEE MEETING**

- MONDAY, JUNE 27<sup>TH</sup> STARTING AT 6PM AT RCC

### **PUBLIC FORUM ON WATER**

- TUESDAY, JUNE 28<sup>TH</sup> FROM 6:30 – 8PM IN THE COUNCIL CHAMBERS
- CITY STAFF WILL BE AVAILABLE FOR ANY QUESTIONS CONCERNING WATER: BILLING, METERS, RATES, ETC.

### **ROWLETT LIBRARY**

- SUMMER READING PROGRAM IS IN IT'S 3<sup>RD</sup> WEEK NOW
  - GOES THROUGH JULY 30<sup>TH</sup>
  - PROGRAMS FOR ALL AGES – 5-12, 13-18 AND ADULTS! ROBOTS, DANCE, ARCHERY, KAYAK AND MORE!!
  - CHECK ALL THE DETAILS AT THE LIBRARY'S WEBSITE @[WWW.ROWLETT.COM/LIBRARY](http://WWW.ROWLETT.COM/LIBRARY) OR FACEBOOK PAGE @ [WWW.FACEBOOK.COM/ROWLETTPUBLICLIBRARY](http://WWW.FACEBOOK.COM/ROWLETTPUBLICLIBRARY)

### **PARKS AND RECREATION**

- WET ZONE OPEN DAILY EXCEPT TUESDAYS
  - CHECK WEBSITE FOR OPERATING HOURS; [www.rowlett.com/wetzone](http://www.rowlett.com/wetzone)
- FIREWORKS ON MAIN
  - MONDAY, JULY 4<sup>TH</sup>, 6PM – 10PM @ 5300 MAIN ST, PECAN GROVE PARK – BEHIND WET ZONE
  - FEATURING EXILE WITH OPENING ACT – MARS HILL BAND
  - FIREWORKS START AT 9:45PM

### **SENIOR EVENTS**

- DAY TRIP TO DURANT, OK
  - WEDNESDAY, JUNE 29<sup>TH</sup>, BUS DEPARTS AT 8AM AND RETURNS AT 5PM
- TOUR OF FORT WORTH
  - FRIDAY, JULY 8<sup>TH</sup>, BUS DEPARTS AT 8AM AND RETURNS AT 5PM

### **ANIMAL SHELTER**

- LOW COST VACCINE CLINIC AT ANIMAL SHELTER
  - SATURDAY, JULY 16<sup>TH</sup>, 1 – 3PM
  - LOCATED AT 4402 INDUSTRIAL ST.
  - SHELTER IS OPEN MONDAY – SATURDAY, 10AM – 5PM

### **CITY OFFICES CLOSED**

- ROWLETT CITY OFFICES CLOSED MONDAY, JULY 4<sup>TH</sup> FOR THE 4<sup>TH</sup> OF JULY HOLIDAY!
  - GARBAGE WILL BE COLLECTED ON THE NORMAL SCHEDULE

### **ROWLETT CHAMBER OF COMMERCE “FREEDOM 5K ON MAIN”**

- MONDAY, JULY 4<sup>TH</sup>

- CALL THE CHAMBER FOR DETAILS, 972-475-3200

Mayor Pro Tem Dana-Bashian stated there would be a Six Month Anniversary Community Pray Walk on June 26<sup>th</sup> beginning at 6:45 p.m. The following churches will participate in the walk: First Christian Church, Church in the City, Cornerstone Assembly of God, Faith Missionary, and Crossroads Church.

## 6. CITIZENS' INPUT

No one spoke during Citizens' Input.

## 7. CONSENT AGENDA

The Consent Agenda followed the Texas Pledge of Allegiance.

- 7A. Consider action to approve minutes from the June 7, 2016 City Council Regular Meeting and June 14, 2016 Joint Meeting of City Council and the Planning and Zoning Commission.

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

- 7B. Consider all matters incident and related to the adoption of a resolution expressing official intent to reimburse costs of projects through the issuance of tax-exempt obligations with an aggregate principal amount not to exceed \$4,750,000.

**This item was approved as RES-078-16 on the Consent Agenda.**

- 7C. Consider a resolution approving Change Order Number 1 to the contract with F&F Concrete Company in the amount of \$77,879.71 for sidewalk and miscellaneous concrete repair and authorizing the Mayor to execute the necessary documents.

**This item was approved as RES-079-16 on the Consent Agenda.**

- 7D. Consider a resolution appointing a representative to the Dallas Area Rapid Transit (DART) Board of Directors.

**This item was approved as RES-080-16 on the Consent Agenda.**

**Passed the Consent Agenda**

**A motion was made by Deputy Mayor Pro Tem Sheffield, seconded by Mayor Pro Tem Dana-Bashian, 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.**

Item 5A followed the Consent Agenda.

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

There are no agenda items.

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

No action followed the executive session item.

**9. ADJOURNMENT**

Mayor Pro Tem Dana-Bashian adjourned the meeting at 10:10 p.m.



City of Rowlett  
Staff Report

4000 Main Street  
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www.rowlett.com

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 7B

**TITLE**

Consider action to approve a resolution allowing the City Manager to negotiate and execute an amendment to the Financial Advisory Agreement with FirstSouthwest Asset Management, Inc., a division of Hilltop Securities, Incorporated, for arbitrage rebate compliance services in the amount of \$77,400.00.

**STAFF REPRESENTATIVE**

Kim Wilson, Chief Financial Officer

**SUMMARY**

To be in compliance with the arbitrage laws of the Internal Revenue Code, the purpose of this item is to contract with FirstSouthwest to perform the required calculations for period ending September 30, 2015.

**BACKGROUND INFORMATION**

Abuses associated with tax-exempt financings led the Federal Government to issue Section 184(f)(2) of the Internal Revenue Code to restrict the use of tax-exempt bond proceeds. The two primary purposes expressed by the regulations for establishing arbitrage laws are: 1) to minimize the benefits of investing tax-exempt bond proceeds, and 2) to remove the incentive to issue more bonds, issue bonds earlier, or to leave bonds outstanding longer than necessary to carry out the governmental purpose of the issue. The City has used the arbitrage rebate compliance services of FirstSouthwest to perform the complex rebate calculations for several years.

**DISCUSSION**

The strict definition of arbitrage is borrowing in one market and investing in another. Municipalities have the ability to borrow in the tax exempt market and invest the bond proceeds in the taxable market. When this occurs, and the taxable investment yield on the proceeds exceeds the yield of the tax exempt bond issue, the result is a profit. To minimize the benefit of investing tax-exempt bond proceeds, arbitrage laws of the Internal Revenue Service Code require that any profit or "arbitrage" be repaid or "rebated" to the Federal Government.

A rebate computation and payment to the Federal Government, if applicable, is required to be made at least every five years (each "Rebate Installment Computation Date") and upon final redemption or maturity of the bonds ("Final Rebate Computation Date"). Failure to comply with these requirements could lead to substantial late filing penalties and interest and or, potentially the loss of tax-exempt status for the bonds. In addition to the many intricacies of the Code and Regulations, there are various exceptions to rebate which an Issuer may qualify for, elections that can be made that impact the calculation and timing of payments due, as well as exclusions from

payment, such as timely spending of bond funds and small issuer exemptions. Regardless of whether the City earns profit on bond proceeds, the City is responsible for continual monitoring and reporting on bond proceeds, and the rate of expenditures of those funds in accordance with complex Internal Revenue Service guidelines.

While the arbitrage calculations themselves are rather complex, the principle is simple. When a City sells bonds, it earns interest income during the construction period and until the funds are spent. If the City's interest earnings exceed the interest paid to bondholders, the City must rebate that "excess" to the federal government. This calculation and payment must be done every five years. Because most of the City's previous bonds were sold between 2004-2006 and interest rates dropped to historical lows after that, it is possible that there will be no arbitrage; however, with numerous bond refinancings over the past 5-6 years, the calculation is absolutely essential.

The City has historically used the services of FirstSouthwest for arbitrage rebate compliance services. Section 252.022 (4) of the Local Government Code exempts this professional service from the competitive bidding or competitive proposal requirement.

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

Arbitrage rebate compliance services are paid by the debt service funds through the Purchased Services-Professional / Accounting/Auditing line item (6401), the appropriate capital bond fund, or whichever fund is responsible for the interest income generated. This cost will be added to a future budget amendment. The table below reflects which funds will pay for the cost of the arbitrage services.

| <b>Budget Account Number and/or Project Code</b> | <b>Account or Project Title</b>                    | <b>Budget Amount</b> | <b>Proposed Amount</b> |
|--|--|----------------------|------------------------|
| 2013501 - 6401                                   | General Debt Service Fund<br>Accounting / Auditing | \$ -                 | \$ 44,595.00           |
| 5023501 - 6401                                   | W&S Debt Service Fund<br>Accounting / Auditing     | -                    | 32,125.00              |
| 7013501 - 6401                                   | Drainage Fund<br>Accounting / Auditing             | -                    | 680.00                 |
| <b>Total</b>                                     |  | <b>\$ -</b>          | <b>\$77,400.00</b>     |

#### **RECOMMENDED ACTION**

Move to approve the resolution to amend the Financial Advisory Agreement with FirstSouthwest Asset Management, Incorporated, a division of Hilltop Securities, Incorporated, for arbitrage rebate compliance services in the amount of \$77,400.00.

#### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AMENDING THE FINANCIAL SERVICES CONTRACT WITH FIRSTSOUTHWEST ASSET MANAGEMENT, INC., A DIVISION OF HILLTOP SECURITIES, INC., TO PROVIDE ARBITRAGE REBATE COMPLIANCE SERVICES IN THE AMOUNT OF \$77,400.00; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rowlett (the "Issuer"), and First Southwest Company ("FirstSouthwest"), previously entered into a certain Financial Advisory Agreement, effective as of June 19, 1990 (the "Agreement"); and

**WHEREAS**, effective January 22, 2016, First Southwest Company merged with and into its common control affiliate, Hilltop Securities Inc. and began providing municipal advisory services as FirstSouthwest, a Division of Hilltop Securities Inc.; and

**WHEREAS**, pursuant to Section D. of the Agreement, the provision of additional services is contemplated; and

**WHEREAS**, the Issuer and FirstSouthwest desire to amend the Agreement to add additional arbitrage rebate compliance services; and

**WHEREAS**, FirstSouthwest's common control affiliate, First Southwest Asset Management, LLC, is willing to provide such arbitrage rebate compliance services to the Issuer.

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

**Section 1:** That the June 19, 1990 Financial Advisory Agreement by and between the City of Rowlett, Texas and FirstSouthwest be and is hereby amended to include and incorporate the Agreement for Arbitrage Rebate Compliance Services, said services to be provided through First Southwest Asset Management, Inc., an affiliate of FirstSouthwest, in accordance with the terms and conditions as set forth in Appendix B and Appendix C to the Agreement, in an amount not to exceed \$77,400.00.

**Section 2:** That Appendices B and C, attached hereto and incorporated herein, are added to and made a part of the Financial Advisory Agreement.

**Section 3:** That this Resolution shall take effect immediately from and after its passage.

## **ATTACHMENTS**

Exhibit I – Financial Advisory Agreement

Exhibit II – Appendix B

Attachment I - Quote

## FINANCIAL ADVISORY AGREEMENT

By and Between

THE CITY OF ROWLETT, TEXAS  
(Herein referred to as the "Issuer")

and

FIRST SOUTHWEST COMPANY

It is understood that the Issuer will have under consideration from time to time the authorization and issuance of indebtedness in amounts and forms which cannot presently be determined and that in connection with the authorization, sale, issuance and delivery of such indebtedness of the Issuer, we have been requested to submit a proposal to provide professional services to the Issuer in the capacity of Financial Advisor. We are pleased to comply with this request and submit the following proposal for consideration. This proposal, if accepted by the Issuer, shall become the agreement (the "Agreement") between the Issuer and First Southwest Company effective at the date of its acceptance as provided for herein below.

A. This Agreement shall apply to any and all evidences of indebtedness or debt obligations that may be authorized and issued or otherwise created or assumed by the Issuer (hereinafter referred to collectively as the "Debt Instruments") from time to time during the period in which this Agreement shall be effective.

B. We agree to provide our professional services and our facilities as Financial Advisor and agree to direct and coordinate all programs of financing as may be considered and authorized during the period in which this Agreement shall be effective and to assume and pay those expenses set out in Appendix A, provided, however, that our obligations to pay expenses shall not include any costs incident to litigation, mandamus action, test case or other similar legal actions.

C. We agree to perform the following duties normally performed by such financial advisors and all other duties as, in our judgment, may be necessary or advisable:

1. We will conduct a survey of the financial resources of the Issuer to determine the extent of its capacity to authorize, issue and service debt. This survey will include an analysis of the existing debt structure as compared with the existing and projected sources of revenues which may be pledged to secure payment of debt service and, where appropriate, will include a study of the trend of the assessed valuation, taxing power and present and future taxing requirements of the Issuer. In the event revenues of existing or projected facilities operated by the Issuer are to be pledged to repayment of the Debt Instruments then under consideration, the survey will take into account any outstanding indebtedness payable from the revenues thereof, additional revenues to be available from any proposed rate increases and additional revenues, as projected by consulting engineers employed by the Issuer, resulting from improvements to be financed by the Debt Instruments under consideration. We will also take into account future financing needs and operations as projected by the Issuer's staff and consulting engineers or other experts, if any, employed by the Issuer.

2. On the basis of the information developed by the survey described above, and other information and experience available to us, we will submit to the Issuer our recommendations on the Debt Instruments under consideration including such elements as the date of issue, interest payment dates, schedule of principal maturities, options of prior payment, security provisions, and any other additional provisions designed to make the issue attractive to investors. All recommendations will be based upon our professional judgment with the goal of designing Debt Instruments which can be sold under terms most advantageous to the Issuer and at the lowest interest cost consistent with all other considerations.

3. We will advise the Issuer of current bond market conditions, forthcoming bond issues and other general information and economic data which might normally be expected to influence interest rates or bidding conditions so that the date of sale of the Debt Instruments may be set at a time which, in our opinion, will be favorable.

4. We understand the Issuer has retained, or will retain, a firm of municipal bond attorneys ("Bond Counsel") whose fees will be paid by the Issuer. In the event it is necessary to hold an election to authorize the Debt Instruments then under

consideration, we will assist in coordinating the assembly and transmittal to Bond Counsel of such data as may be required for the preparation of necessary petitions, orders, resolutions, ordinances, notices and certificates in connection with the election.

5. We will recommend the method of sale of the Debt Instruments that, in our opinion, is in the best interest of the Issuer and will proceed, as directed by the Issuer, with one of the following methods:

a. Advertised Sale: We will supervise the sale of the Debt Instruments at a public sale in accordance with procedures set out herein. We waive the right, either acting alone or in conjunction with others, to submit a bid for any Debt Instruments issued under this Agreement which the Issuer advertises for competitive bids.

b. Negotiated Sale: We will recommend one or more investment banking firms as managers of an underwriting syndicate for the purpose of negotiating the purchase of the Debt Instruments and in no event will we participate either directly or indirectly in the underwriting of the Debt Instruments. We will collaborate with any managing underwriter selected and Counsel to the underwriters in the preparation of the Official Statement or Offering Memorandum. We will cooperate with the underwriters in obtaining any Blue Sky Memorandum and Legal Investment Survey, preparing Bond Purchase Contract, Underwriters Agreement and any other related documents. The costs thereof, including the printing of the documents, will be paid by the underwriters.

c. Private Placement: Upon authorization by the Issuer and acting in its behalf, we will place privately the Debt Instruments directly with institutional investors for a placement fee of \$7.50 per \$1,000 par value of Debt Instruments issued and placed, which fee will be in addition to the fee set forth in Appendix A attached hereto. We will prepare and provide the prospective purchasers a Limited Offering Memorandum and other related documents.

6. When appropriate, we will advise financial publications of the forthcoming sale of the Debt Instruments and provide them with all pertinent information.

7. We will coordinate the preparation of the Notice of Sale and Bidding Instructions, Official Statement, Official Bid Form and such other documents as may be required. We will submit to the Issuer all such documents for examination, approval and certification. After such examination, approval and certification, we will provide the Issuer with a supply of all such documents sufficient to its needs and will distribute by mail sets of the same to prospective bidders and to banks, life, fire and casualty insurance companies, investment counselors and other prospective purchasers of the Debt Instruments. We will also provide sufficient copies of the final Official Statement to the purchaser of the Debt Instruments in accordance with the Notice of Sale and Bidding Instructions.

8. We will, after consulting with the Issuer, arrange for such reports and opinions of recognized independent consultants we deem necessary and required in the successful marketing of the Debt Instruments.

9. Subject to the approval of the Issuer, we will organize and make arrangements for such investor information meetings as, in our judgment, may be necessary.

10. We will make recommendations to the Issuer as to the advisability of obtaining a credit rating, or ratings, for the Debt Instruments and, when directed by the Issuer, we will coordinate the preparation of such information as, in our opinion, is required for submission to the rating agency, or agencies. In those cases where the advisability of personal presentation of information to the rating agency, or agencies, may be indicated, we will arrange for such personal presentations, including representatives from the Issuer.

11. We will assist the staff of the Issuer at any advertised sale of Debt Instruments in coordinating the receipt and tabulation and comparison of bids and we will advise the Issuer as to the best bid. We will provide the Issuer with our recommendation as to acceptance or rejection of such bid.

12. As soon as a bid for the Debt Instruments is accepted by the Issuer, we will proceed to coordinate the efforts of all concerned to the end that the Debt Instruments may be delivered and paid for as expeditiously as possible. We shall assist the Issuer in the preparation or verification of final closing figures incident to the delivery of the Debt Instruments.

13. We will maintain liaison with Bond Counsel in the preparation of all legal documents pertaining to the authorization, sale and issuance of the Debt Instruments. Bond Counsel will provide an unqualified legal opinion as to the legality of the issuance of the Debt Instruments at the time of delivery.

14. If requested, we will counsel with the Issuer in the selection of a Trustee and Paying Agent/Registrar for the Debt Instruments, and we will assist in the preparation of agreements pertinent to these services and the fees incident thereto.

15. In the event formal verification by an independent auditor of any calculations incident to the Debt Instruments is required, we will make arrangements for such services.

16. We agree to coordinate all work incident to printing and execution of the Debt Instruments.

17. After the closing of the sale and delivery of the Debt Instruments, we will deliver to the Issuer a schedule of annual debt service requirements on the Debt Instruments. In coordination with Bond Counsel, we will assure that the Paying Agent/Registrar has been provided with a copy of the authorizing ordinance, order or resolution.

18. We will attend any and all meetings of the governing body of the Issuer, its staff, representatives or committees as requested at all times when we may be of assistance or service and the subject of financing is to be discussed.

19. We will advise the Issuer and its staff of changes, proposed or enacted, in Federal and State laws and regulations which would affect the municipal bond market.

20. We will work with the Issuer, its staff and any consultants employed by the Issuer in developing financial feasibility studies and analyzing alternative financing plans.

D. In addition to the services set out above, we agree to provide the following services when so requested.

1. We will provide our advice as to the investment of certain funds of the Issuer. We will, when so directed, purchase those investments authorized to be purchased and, except for investment of the proceeds of Debt Instruments, we will charge a normal and customary commission for each such transaction.

2. We will provide our advice and assistance with regard to exercising any call and/or refunding of any outstanding Debt Instruments.

3. We will provide our advice and assistance in the development of, and financing for, any capital improvements programs of the Issuer.

4. We will provide our advice and assistance in the development of the long-range financing plan of the Issuer.

5. We will provide any other financing planning services as may be requested by the Issuer.

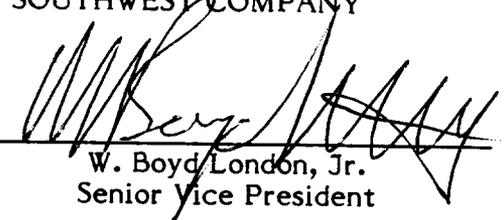
E. The fee due to First Southwest Company in accordance with Appendix A attached hereto, any other fees as may be mutually agreed and all expenses for which First Southwest Company is entitled to reimbursement, shall become due and payable concurrently with the delivery of the Debt Instruments to the purchaser.

F. This agreement shall become effective at the date of acceptance by the Issuer set out herein below, provided, however, this Agreement may be terminated without cause by the Issuer or First Southwest Company upon thirty (30) days' written notice. In the event of such termination, it is understood and agreed that only the amount due First Southwest Company for services provided and expenses incurred to the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement.

This Agreement is submitted in duplicate originals. When accepted by the Issuer, it, together with Appendix A attached hereto, will constitute the entire Agreement between the Issuer and First Southwest Company for the purposes and considerations herein specified. Acceptance will be indicated by the signature of authorized officials of the Issuer together with the date of acceptance on both copies and the return of one executed copy to First Southwest Company.

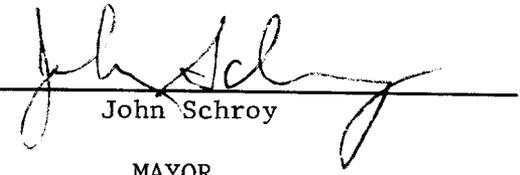
Respectfully submitted,

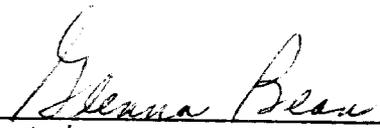
FIRST SOUTHWEST COMPANY

By   
W. Boyd London, Jr.  
Senior Vice President

ACCEPTANCE CLAUSE

The above and foregoing is hereby in all things accepted and approved by the Issuer, the City of Rowlett, Texas, on this the 19th day of June, 1990, by action of the City Council.

By   
John Schroy  
MAYOR  
Title

  
Attested Glenna Bean  
City Secretary

APPENDIX A

## THE CITY OF ROWLETT, TEXAS

## FEE SCHEDULE AND EXPENSE ITEMS

In consideration for the services rendered by us, it is understood and agreed that our fee for each issue of Debt Instruments will be as follows:

|                                |    |            |
|--------------------------------|----|------------|
| Base Fee - Any Issue           | \$ | 3,000      |
| Plus \$12.50 per \$1,000 up to |    | 250,000    |
| Plus 11.50 per \$1,000 next    |    | 250,000    |
| Plus 7.00 per \$1,000 next     |    | 500,000    |
| Plus 4.65 per \$1,000 next     |    | 1,500,000  |
| Plus 2.75 per \$1,000 next     |    | 2,500,000  |
| Plus 2.50 per \$1,000 next     |    | 5,000,000  |
| Plus 1.95 per \$1,000 next     |    | 10,000,000 |
| Plus 1.35 per \$1,000 next     |    | 10,000,000 |
| Plus 1.30 per \$1,000 next     |    | 20,000,000 |
| Plus 1.25 per \$1,000 over     |    | 50,000,000 |

No hourly fee or retainer will be charged for any of our services.

| <u>Expense Items</u>  | <u>Paid By</u> |
|---|----------------|
| Preparation, printing and distribution of Official Statements and accompanying documents (both Advertised Sale and Negotiated Sale) | Issuer         |
| Reports of independent consultants  | Issuer         |
| Information meetings  | Issuer         |
| Rating fees   | Issuer         |
| Travel  | Issuer         |
| Verification of calculations  | Issuer         |
| Printing of Debt Instruments  | Issuer         |
| Delivery of Debt Instruments  | Issuer         |

## APPENDIX B

**AGREEMENT FOR  
ARBITRAGE REBATE COMPLIANCE SERVICES  
BETWEEN  
CITY OF ROWLETT, TEXAS  
(Hereinafter Referred to as the "Issuer")  
AND  
FIRST SOUTHWEST ASSET MANAGEMENT, LLC  
(Hereinafter Referred to as "FSAM")**

It is understood and agreed that the Issuer, in connection with the sale and delivery of certain bonds, notes, certificates, or other tax-exempt obligations (the "*Obligations*"), will have the need to determine to what extent, if any, it will be required to rebate certain investment earnings (the amount of such rebate being referred to herein as the "*Arbitrage Amount*") from the proceeds of the Obligations to the United States of America pursuant to the provisions of Section 148(f)(2) of the Internal Revenue Code of 1986, as amended (the "*Code*"). For purposes of this Agreement, the term "Arbitrage Amount" includes payments made under the election to pay penalty in lieu of rebate for a qualified construction issue under Section 148(f)(4) of the Code.

We are pleased to submit the following proposal for consideration; and if the proposal is accepted by the Issuer, it shall become the agreement (the "*Agreement*") between the Issuer and FSAM effective at the date of its acceptance as provided for herein below.

1. This Agreement shall apply to all issues of tax-exempt Obligations delivered subsequent to the effective date of the rebate requirements under the Code, except for (i) issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations, or (ii) issues excluded by the Issuer in writing in accordance with the further provisions hereof, (iii) new issues effected in a fashion whereby FSAM is unaware of the existence of such issue, (iv) issues in which, for reasons outside the control of FSAM, FSAM is unable to procure the necessary information required to perform such services.

**Covenants of First Southwest Asset Management**

2. We agree to provide our professional services in determining the Arbitrage Amount with regard to the Obligations. The Issuer will assume and pay the fee of FSAM as such fee is set out in Appendix C attached hereto. FSAM shall not be responsible for any extraordinary expenses incurred on behalf of Issuer in connection with providing such professional services, including any costs incident to litigation, mandamus action, test case or other similar legal actions.
3. We agree to perform the following duties in connection with providing arbitrage rebate compliance services:
  - a. To cooperate fully with the Issuer in reviewing the schedule of investments made by the Issuer with (i) proceeds from the Obligations, and (ii) proceeds of other funds of the Issuer which, under Treasury Regulations Section 1.148, or any successor regulations thereto, are subject to the rebate requirements of the Code;
  - b. To perform, or cause to be performed, consistent with the Code and the regulations promulgated thereunder, calculations to determine the Arbitrage Amount under Section 148(f)(2) of the Code; and
  - c. To provide a report to the Issuer specifying the Arbitrage Amount based upon the investment schedule, the calculations of bond yield and investment yield, and other information deemed relevant by FSAM. In undertaking to provide the services set forth in paragraph 2 and this paragraph 3, FSAM does not assume any responsibility for any record retention requirements which the Issuer may have under the Code or other applicable laws, it being understood that the Issuer shall remain responsible for compliance with any such record retention requirements.

## Covenants of the Issuer

4. In connection with the performance of the aforesaid duties, the Issuer agrees to the following:
  - a. The fees due to FSAM in providing arbitrage rebate compliance services shall be calculated in accordance with Appendix C attached hereto. The fees will be payable upon delivery of the report prepared by FSAM for each issue of Obligations during the term of this Agreement.
  - b. The Issuer will provide FSAM all information regarding the issuance of the Obligations and the investment of the proceeds therefrom, and any other information necessary in connection with calculating the Arbitrage Amount. FSAM will rely on the information supplied by the Issuer without inquiry, it being understood that FSAM will not conduct an audit or take any other steps to verify the accuracy or authenticity of the information provided by the Issuer.
  - c. The Issuer will notify FSAM in writing of the retirement, prior to the scheduled maturity, of any Obligations included under the scope of this Agreement within 30 days of such retirement. This notification is required to provide sufficient time to comply with Treasury Regulations Section 1.148-3(g) which requires final payment of any Arbitrage Amount within 60 days of the final retirement of the Obligations. In the event the Issuer fails to notify FSAM in a timely manner as provided hereinabove, FSAM shall have no further obligation or responsibility to provide any services under this Agreement with respect to such retired Obligations.
5. In providing the services set forth in this Agreement, it is agreed that FSAM shall not incur any liability for any error of judgment made in good faith by a responsible officer or officers thereof and, except to the limited extent set forth in this paragraph, shall not incur any liability for any other errors or omissions, unless it shall be proved that such error or omission was a result of the gross negligence or willful misconduct of said officer or officers. In the event a payment is assessed by the Internal Revenue Service due to an error by FSAM, the Issuer will be responsible for paying the correct Arbitrage Amount and FSAM's liability shall not exceed the amount of any penalty or interest imposed on the Arbitrage Amount as a result of such error.

## Obligations Issued Subsequent to Initial Contract

6. The services contracted for under this Agreement will automatically extend to any additional Obligations (including financing lease obligations) issued during the term of this Agreement, if such Obligations are subject to the rebate requirements under Section 148(f)(2) of the Code. In connection with the issuance of additional Obligations, the Issuer agrees to the following:
  - a. The Issuer will notify or cause the notification, in writing, to FSAM of any tax-exempt financing (including financing lease obligations) issued by the Issuer during any calendar year of this Agreement, and will provide FSAM with such information regarding such Obligations as FSAM may request in connection with its performance of the arbitrage rebate services contracted for hereunder. If such notice is not provided to FSAM with regard to a particular issue, FSAM shall have no obligation to provide any services hereunder with respect to such issue.
  - b. At the option of the Issuer, any additional Obligations to be issued subsequent to the execution of this Agreement may be excluded from the services provided for herein. In order to exclude an issue, the Issuer must notify FSAM in writing of their intent to exclude any specific Obligations from the scope of this Agreement, which exclusion shall be permanent for the full life of the Obligations; and after receipt of such notice, FSAM shall have no obligation to provide any services under this Agreement with respect to such excluded Obligations.

**Effective Date of Agreement**

7. The effective date and term for the provision of arbitrage rebate calculation services shall run concurrently with the term of the Financial Advisory Agreement unless terminated sooner by either party. In the event this Agreement is terminated prior to the completion of its stated term, all records provided to FSAM with respect to the investment of monies by the Issuer shall be returned to the Issuer as soon as practicable following written request by Issuer. In addition, the parties hereto agree that, upon termination of this Agreement, FSAM shall have no continuing obligation to the Issuer regarding any arbitrage rebate related services contemplated herein, regardless of whether such services have previously been undertaken, completed or performed.

| Annual Fee | Description   |
|------------|---|
| \$1,000    | <ul style="list-style-type: none"> <li>• On-Site Meetings as Appropriate to Discuss Calculation Results/ Subsequent Planning Issues</li> <li>• On-Call/24-Hour Technical Support (Including After Hours)</li> <li>• Calculation of Record Provided for Arbitrage Computations</li> <li>• System</li> <li>• Provision of All Required IRS/Spouse's Records for Arbitrage Computations</li> <li>• Debt Service Fund Calculations (Including Savings and Other Funds)</li> <li>• Dividend Cap Calculations</li> <li>• Investment Process Calculations</li> <li>• Family Reconciliation Fund All-Items</li> <li>• Life Insurance/Retirement/Investment Funds/Retirement Funds (Roth, 401k, etc.)</li> <li>• Yield Reconciliation Analysis &amp; Calculations</li> <li>• Spending Expense Analysis &amp; Calculations</li> <li>• Comprehensive Family Analysis &amp; Calculations</li> </ul> |
| \$750      | <ul style="list-style-type: none"> <li>• IRS Return Review - Update calculation, prepare initial request package, and review issues as necessary in connection to preparing IRS Information Returns</li> </ul>  |

Note: Fees will be capped at \$7,400.00 for the issues listed in the attached schedule through the period ending September 30, 2017.

**APPENDIX C - FEES**

The Obligations to be covered initially under this contract include all issues of tax-exempt obligations delivered subsequent to the effective dates of the rebate requirements, under the Code, except as set forth in Section I of the Agreement.

The fee for any Obligations under this contract shall only be payable if a computation is required under Section 148(f)(2) of the Code. In the event that any of the Obligations fall within an exclusion to the computation requirement as defined by Section 148 of the Code or related regulations and no calculations were required by FSAM to make that determination, no fee will be charged for such issue. For example, certain obligations are excluded from the rebate computation requirement if the proceeds are spent within specific time periods. In the event a particular issue of Obligations fulfills the exclusion requirements of the Code or related regulations, the specified fee will be waived by FSAM if no calculations were required to make the determination.

FSAM's fee for arbitrage rebate services is based upon a fixed annual fee per issue. The annual fee is charged based upon the number of years that proceeds exist subject to rebate from the delivery date of the issue to the computation date.

FSAM's fees are payable upon delivery of the report. The first report will be made following one year from the date of delivery of the Obligations and on each computation date thereafter during the term of the Agreement. The fees for computations of the Arbitrage Amount which encompass more, or less, than one Computation Year shall be prorated to reflect the longer, or shorter, period of work performed during that period.

The fee for each of the Obligations included in this contract shall be based on the table below.

**Additionally, due to significant time saving efficiencies realized when investment information is submitted in an electronic format, FSAM passes the savings to its clients by offering a 10% reduction in its fees if information is provided in a spreadsheet or electronic text file format.**

| Description  | Annual Fee      |
|--|-----------------|
| <b>ANNUAL FEE</b>  | <b>\$1,400</b>  |
| <b><i>COMPREHENSIVE ARBITRAGE COMPLIANCE SERVICES INCLUDE:</i></b>   |                 |
| <ul style="list-style-type: none"> <li>• Commingled Funds Analysis &amp; Calculations</li> <li>• Spending Exception Analysis &amp; Calculations</li> <li>• Yield Restriction Analysis &amp; Calculations<br/>(for yield restricted Project Funds, Reserve Funds, Escrow Funds, etc.)</li> <li>• Parity Reserve Fund Allocations</li> <li>• Transferred Proceeds Calculations</li> <li>• Universal Cap Calculations</li> <li>• Debt Service Fund Calculations (including earnings test when required)</li> <li>• Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment</li> <li>• Retention of Records Provided for Arbitrage Computations</li> <li>• IRS Audit Assistance</li> <li>• Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule</li> <li>• On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items</li> </ul> | <b>INCLUDED</b> |
| <b><i>OTHER SERVICES AVAILABLE:</i></b>  |                 |
| <b>IRS Refund Request</b> – Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests  | <b>\$750</b>    |

**Note: Fees will be capped at \$77,400.00 for the issues listed in the attached schedule through the period ending September 30, 2015.**

**EXPLANATION OF TERMS:**

- a. **Computation Year:** A “Computation Year” represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one “computation year,” the annual fee is multiplied by the number of computation years contained in the calculation being performed. If a calculation includes a portion of a computation year, i.e., if the calculation includes 1 ½ computation years, then the base fee will be multiplied by 1.5.
- b. **Electronic Data Submission:** The data should be provided electronically in MS Excel or ASCII text file (comma delimited text preferred) with the date, description, dollar amount, and an activity code (if not in debit and credit format) on the same line in the file.
- c. **Variable/Floating Rate Bond Issues:** Special services are also required to perform the arbitrage rebate calculations for variable rate bonds. A bond is a variable rate bond if the interest rate paid on the bond is dependent upon an index which is subject to changes subsequent to the issuance of the bonds. The computational requirements of a variable rate issue are more complex than those of a fixed rate issue and, accordingly, require significantly more time to calculate. The additional complexity is primarily related to the computation of the bond yield, which must be calculated on a “bond year” basis. Additionally, the regulations provide certain flexibility in computing the bond yield and determining the arbitrage amount over the first IRS reporting period; consequently, increased calculations are required to determine which bond yield calculation produces the lowest arbitrage amount.
- d. **Commingled Fund Allocations:** By definition, a commingled fund is one that contains either proceeds of more than one bond issue or proceeds of a bond issue and non-bond proceeds (i.e., revenues) of \$25,000 or more. The arbitrage regulations, while permitting the commingling of funds, require that the proceeds of the bond issue(s) be “carved out” for purposes of determining the arbitrage amount. Additionally, interest earnings must be allocated to the portion of the commingled fund that represents proceeds of the issue(s) in question. Permitted “safe-harbor” methods (that is, methods that are outlined in the arbitrage regulations and, accordingly, cannot be questioned by the IRS under audit), exist for allocating expenditures and interest earnings to issues in a commingled fund. FSAM uses one of the applicable safe-harbor methods when doing these calculations.
- e. **Debt Service Reserve Funds:** The authorizing documents for many revenue bond issues require that a separate fund be established (the “Reserve Fund”) into which either bond proceeds or revenues are deposited in an amount equal to some designated level, such as average annual debt service on all parity bonds. This Reserve Fund is established for the benefit of the bondholders as additional security for payment on the debt. In most cases, the balance in the Reserve Fund remains stable throughout the life of the bond issue. Reserve Funds, whether funded with bond proceeds or revenues, must be included in all rebate calculations.
- f. **Debt Service Fund Calculations:** Issuers are required under the regulations to analyze the invested balances in their debt service funds annually to determine whether the fund depletes as required during the year and is, therefore, “bona fide” (i.e., potentially exempt from rebate in that year). It is not uncommon for surplus balances to develop in the debt service fund that services an issuer’s tax supported debt, particularly due to timing differences of when the funds were due to be collected versus when the funds were actually collected. FSAM performs this formal analysis of the debt service fund and, should it be determined that a surplus balance exists in the fund during a given year, allocates the surplus balance among the various issues serviced by the fund in a manner that is acceptable under IRS review.
- g. **Earnings Test for Debt Service Funds:** Certain types of bond issues require an additional level of analysis for the debt service fund, even if the fund depletes as required under the regulations and is “bona fide.” For short-term, fixed rate issues, private activity issues, and variable rate issues, the regulations require that an “earnings test” be performed on a bona fide debt service fund to determine if the interest earnings reached \$100,000 during the year. In cases where the earnings reach or exceed the \$100,000 threshold, the entire fund (not just the surplus or residual portion) is subject to rebate.
- h. **Transferred Proceeds Calculations:** When a bond issue is refinanced (refunded) by another issue, special services relating to “transferred proceeds” calculations may need to be performed. Under the regulations, when proceeds of a refunding issue are used to retire principal of a prior issue, a pro-rata portion of the unspent proceeds of the prior issue becomes subject to rebate and/or yield restriction as transferred proceeds of the refunding issue. The refunding issue essentially “adopts” the unspent proceeds of the prior issue for purposes of the arbitrage calculations. These

calculations are required under the regulations to ensure that issuers continue to exercise due diligence to complete the project(s) for which the prior bonds were issued.

- i. **Universal Cap:** Current regulations provide an overall limitation on the amount of gross proceeds allocable to an issue. Simply stated, the value of investments allocated to an issue cannot exceed the value of all outstanding bonds of the issue. For example, this situation can occur if an issuer encounters significant construction delays or enters into litigation with a contractor. It may take months or even years to resolve the problems and begin or resume spending the bond proceeds; however, during this time the debt service payments are still being paid, including any scheduled principal payments. Thus, it's possible for the value of the investments purchased with bond proceeds to exceed the value of the bonds outstanding. In such cases, a "de-allocation" of proceeds may be required to comply with the limitation rules outlined in the regulations.
- j. **Yield Restriction Analysis/Yield Reduction Computations:** The IRS strongly encourages issuers to spend the proceeds of each bond issue as quickly as possible to achieve the governmental purpose for which the bonds were issued. Certain types of proceeds can qualify for a "temporary period," during which time the proceeds may be invested at a yield higher than the yield on the bonds without jeopardizing the tax-exempt status of the issue. The most common temporary period is the three-year temporary period for capital project proceeds. After the end of the temporary period, the proceeds must be yield restricted or the issuer must remit the appropriate yield reduction payment when due. FSAM performs a comprehensive yield restriction analysis when appropriate for all issues having proceeds remaining at the end of the applicable temporary period and also calculates the amount of the yield reduction payment due to the IRS.

**City of Rowlett, Texas**  
**Estimate of Fees for Arbitrage Rebate Calculations**  
**for period ending September 30, 2015**

| Delivery Date                       | Issue Par  | Issue Description                                  | Most Recent Report | Next IRS Installment Date | Next IRS Installment Date | Next IRS Installment Date | Annual Fee | Number of Years | Fee* to 09/30/15 | Fee Capped to 3yr Maximum |
|-------------------------------------|------------|--|--------------------|---------------------------|---------------------------|---------------------------|------------|-----------------|------------------|---------------------------|
| 05/13/97                            | 6,030,000  | General Obligation Rfdg & Improv, Series 1997      | 05/13/07           | 08/15/10                  |                           |                           | \$1,260    | 3.26            | \$4,105          | (1) \$2,500               |
| 05/23/00                            | 4,170,000  | WW&SS Revenue Bonds, Series 2000                   | 05/23/05           | 03/01/09                  |                           |                           | \$1,260    | 3.78            | \$0              | (2) \$0                   |
| 05/23/00                            | 3,660,000  | General Obligation Bonds, Series 2000              | 05/23/05           | 02/15/09                  |                           |                           | \$1,260    | 3.74            | \$0              | (2) \$0                   |
|                                     | 485,000    | Limited Tax Notes, Series 2000                     |                    |                           |                           |                           |            |                 |                  |                           |
| 09/27/01                            | 2,105,000  | WW&SS Revenue Bonds, Series 2001                   | 09/27/06           | 09/27/11                  | 03/01/12                  |                           | \$1,260    | 5.43            | \$6,840          | (1) \$2,500               |
| 09/27/01                            | 2,805,000  | General Obligation Bonds, Series 2001              | 09/27/06           | 02/15/11                  |                           |                           | \$1,260    | 4.39            | \$5,530          | (1) \$2,500               |
|                                     | 1,490,000  | Limited Surplus Revenue CO, Series 2001            |                    |                           |                           |                           |            |                 |                  |                           |
| 09/25/02                            | 6,385,000  | General Obligation Bonds, Series 2002              | 09/25/07           | 02/15/11                  |                           |                           | \$1,260    | 3.39            | \$4,275          | (1) \$2,500               |
|                                     | 5,170,000  | Comb Tax and Limited Surplus Rev CO, Series 2002   |                    |                           |                           |                           |            |                 |                  |                           |
| 01/07/03                            | 3,300,000  | WW&SS Rev Refunding Bonds, Series 2003             | 01/07/08           | 03/01/12                  |                           |                           | \$1,260    | 4.15            | \$5,225          | (1) \$2,500               |
| 01/07/03                            | 8,050,000  | General Obligation Refunding Bonds, Series 2003    | 01/07/08           | 01/07/13                  | 02/15/14                  |                           | \$1,260    | 6.11            | \$7,700          | (1) \$3,780               |
| 09/25/03                            | 7,060,000  | Comb Tax & Limited Surplus Rev CO, Series 2003     | 09/25/03           | 09/25/08                  | 09/25/13                  | 02/15/14                  | \$1,260    | 10.40           | \$13,105         | (1) \$3,780               |
|                                     | 3,815,000  | General Obligation Bonds, Series 2003-A            |                    |                           |                           |                           |            |                 |                  |                           |
| 07/01/04                            | 7,910,000  | WW&SS Revenue Refunding Bonds, Series 2004         | 07/01/04           | 07/01/09                  | 07/01/14                  | 03/01/15                  | \$1,260    | 10.67           | \$13,445         | (1) \$3,780               |
| 07/29/04                            | 4,885,000  | General Obligation Refunding Bonds, Series 2004    | 07/29/04           | 07/29/09                  | 07/29/14                  | 02/15/15                  | \$1,260    | 10.56           | \$13,300         | (1) \$3,780               |
| 10/14/04                            | 6,080,000  | General Obligation Bonds, Series 2004A             | 10/14/04           | 10/14/09                  | 02/15/14                  |                           | \$1,260    | 9.35            | \$11,775         | (1) \$3,780               |
|                                     | 4,420,000  | Comb Tax & Limited Surplus Rev CO, Series 2004     |                    |                           |                           |                           |            |                 |                  |                           |
| 10/14/04                            | 18,585,000 | WW&SS Revenue Bonds, Series 2004                   | 10/14/04           | 10/14/09                  | 03/01/14                  |                           | \$1,260    | 9.38            | \$11,825         | (1) \$3,780               |
| 05/26/05                            | 8,615,000  | General Obligation Refunding Bonds, Series 2005    | 05/26/05           | 05/26/10                  | 05/26/15                  | 09/22/15                  | \$1,260    | 10.33           | \$13,020         | (1) \$3,780               |
| 05/26/05                            | 7,630,000  | WW&SS Revenue Refunding Bonds, Series 2005         | 05/26/05           | 05/26/10                  | 05/26/15                  | 08/24/15                  | \$1,260    | 10.25           | \$12,920         | (1) \$3,780               |
| 09/15/05                            | 7,180,000  | WW&SS Revenue Bonds, Series 2005A                  | 09/15/05           | 09/15/10                  | 09/15/15                  | 03/01/16                  | \$1,260    | 10.47           | \$13,185         | (1) \$3,780               |
| 09/30/05                            | 22,170,000 | Comb Tax & Limited Surplus Rev CO, Series 2005     | 09/30/10           | 09/22/15                  |                           |                           | \$1,260    | 4.98            | \$6,275          | (1) \$3,780               |
| 07/27/06                            | 11,775,000 | WW&SS Revenue Refunding & Imp, Series 2006         | 07/27/06           | 07/27/11                  | 03/01/16                  |                           | \$1,260    | 9.60            | \$12,100         | (1) \$3,780               |
| 07/27/06                            | 26,280,000 | Comb Tax & Limited Surplus Rev CO, Series 2006     | 07/27/06           | 07/27/11                  | 02/15/16                  |                           | \$1,260    | 9.56            | \$12,050         | (1) \$3,780               |
| 07/13/10                            | 10,825,000 | General Obligation Refunding Bonds, Series 2010    | 07/13/10           | 07/13/15                  | 07/13/20                  | 02/15/22                  | \$1,260    | 5.22            | \$6,575          | \$3,780                   |
| 11/14/11                            | 9,000,000  | General Obligation Refunding Bonds, Series 2011    | 11/14/11           | 11/14/16                  | 11/14/21                  | 02/15/23                  | \$1,260    | 3.88            | \$4,885          | \$3,780                   |
| 07/10/12                            | 17,155,000 | General Obligation Refunding Bonds, Series 2012    | 07/10/12           | 07/10/17                  | 07/10/22                  | 07/10/27                  | \$1,260    | 3.22            | \$4,060          | \$3,780                   |
| 09/20/12                            | 8,525,000  | WW&SS Revenue Bonds, Series 2012                   | 09/20/12           | 09/20/17                  | 09/20/22                  | 09/20/27                  | \$1,260    | 3.03            | \$3,810          | \$3,780                   |
| 12/19/13                            | 7,910,000  | General Obligation Refunding Bonds, Series 2013    | 12/19/13           | 12/19/18                  | 12/19/23                  | 02/15/25                  | \$1,260    | 1.78            | \$2,240          | \$2,240                   |
| 08/15/14                            | 4,825,000  | WW&SS Revenue Bonds, Series 2014                   | 08/14/14           | 08/14/19                  | 08/14/24                  | 08/14/29                  | \$1,260    | 1.13            | \$1,415          | (3) \$1,415               |
| 02/19/15                            | 1,235,000  | Limited Tax Notes, Series 2015                     | 02/19/15           | 02/19/20                  | 02/15/22                  |                           | \$1,260    | 0.61            | \$765            | \$765                     |
| 08/20/15                            | 32,240,000 | General Obligation Rfdg & Improvement, Series 2015 | 08/20/15           | 08/20/20                  | 08/20/25                  | 08/20/30                  | \$1,260    | 0.00            | \$0              | (4) \$0                   |
| 08/20/15                            | 12,330,000 | WW&SS Revenue Refunding Bonds, Series 2015         | 08/20/15           | 08/20/20                  | 08/20/25                  | 03/01/26                  | \$1,260    | 0.00            | \$0              | (4) \$0                   |
| 12/31/15                            | 2,885,000  | Comb Tax & Limited Surplus Rev CO, Series 2015     | 12/31/15           | 12/31/20                  | 12/31/25                  | 02/15/30                  | \$1,260    | 0.00            | \$0              | (5) \$0                   |
| 03/15/16                            | 13,515,000 | Special Assessment Revenue Bonds, Series 2016      | 03/15/16           | 03/15/21                  | 03/15/26                  | 03/15/31                  | \$1,260    | 0.00            | \$0              | (5) \$0                   |
| <b>Total Fees</b>                   |            |  |                    |                           |                           |                           |            |                 | \$190,425        | \$77,400                  |
| <b>Proposed fee through 9/30/15</b> |            |  |                    |                           |                           |                           |            |                 |                  | <b>\$77,400</b>           |

\* Fees are rounded down to the nearest five dollars.

(1) Fee through Final IRS installment computation date.

(2) Fee waived through previous arrangement with the City.

(3) Assumes issue does not meet Small Issuer Exception due to other tax-exempt capital leases.

(4) Since delivery date is close to fiscal year end, first report will be updated at September 30, 2016.

(5) Since delivery date occurs after fiscal year end, first report will be updated at September 30, 2016.

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**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 7C

### **TITLE**

Consider action to approve a resolution authorizing the City Manager to submit an individual safe room rebate program application under the Hazard Mitigation Grant Program (HMGP).

### **STAFF REPRESENTATIVE**

Neil Howard, Fire Chief/EMC

Ed Balderas, Emergency Management Specialist

### **SUMMARY**

The purpose of this item is to authorize the submission of an application for funds under the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) to support the implementation of an individual safe room rebate program for the City of Rowlett. *While the application requires that certain programmatic features, including eligibility terms and procedures, be outlined; **final** programmatic features will be determined by the City Council, in consultation with City and TDEM staff, only after a grant is awarded.*

### **BACKGROUND INFORMATION**

A Presidential Major Disaster Declaration, FEMA-4255-DR (or DR-4255), was issued on February 9, 2016. This made FEMA's Hazard Mitigation Grant Program (HMGP) available statewide. The amount of funding made available under this program will be up to fifteen percent of the total funding made available under the public assistance program for DR-4255.

To be eligible for funding under this program, a jurisdiction must have a current, FEMA-approved Hazard Mitigation Action Plan (HazMAP). On January 19, 2016, the City Council adopted the 2015 Dallas County HazMAP (Resolution Number RES-022-16).

Under the HMGP in Texas, any eligible jurisdiction, whether or not it was affected by the disaster(s) that resulted in the major disaster declaration, is able to apply for funding under the program. However, the Texas Division of Emergency Management (TDEM) establishes priorities for funding consideration and priority selection is given to each of the counties declared under the major disaster declaration. In the case of Rowlett, the City submits an application to TDEM, the application is approved or denied, (if approved) the project is prioritized among other applications, and a combined State application is submitted to FEMA for consideration. **The application deadline to the State is July 22, 2016.**

In March, TDEM released a funding prioritization guide, which provided general programmatic priorities. Five percent of the funding is intended for initiative category projects such as stand-alone generators, warning systems, and public information campaigns. Seven percent of funding is intended to be used for planning grant applications. The remaining funding will be applied to applications for regular projects supported by a benefit cost analysis with priority consideration going to the following types of projects: flood control, demolitions and acquisitions (for flood-prone properties), community safe rooms, and individual safe rooms. With an expected public

assistance amount of over \$3,000,000; the City, using a fifteen-percent formula, can make a case for at least \$450,000 in funding under the HMGP.

Due to the funding priorities set by TDEM, the amount of expected funding under DR-4255, the hazard mitigation needs of the City, staff capacity to manage this type of grant program, and the type of hazard that impacted the City on December 26, 2015; the most practical type of application under this opening of the HMGP will be for funding to implement a two-year individual safe room rebate program. With a possible amount of \$450,000; the City will be able to provide approximately 150 safe room rebates; however, the City should apply for an amount that is representative of the amount of interest from residents and developers/builders, in order to avoid possible issues with grant performance measures used by FEMA and TDEM. If the City Manager is authorized to submit an application for this type of program, staff will have to seek, from the public, a preliminary level of interest in this type of program. This will be done through a survey that will be published and made available from July 6<sup>th</sup> to July 18<sup>th</sup>. While this survey will seek interest from the public, it will not serve as application for the possible program. Based on results from this survey, staff will determine the appropriate number of safe room rebates to request in the application. Asking for more than TDEM is willing to provide, will not result in a full denial of the application; it will simply reduce the amount of funding made available (e.g., if we ask for 200 rebates, TDEM may only authorize 150).

The implementation of an individual safe room rebate program will seek to promote the installation of safe rooms by residents and developers/builders by offering a reimbursement of up to fifty-percent or \$3,000 (whichever amount is lower) of the cost of installing an above-ground or under-ground individual safe room that meets or exceeds FEMA P-320 standards. While the program will be a first for the City, it will be modeled after the North Central Texas Council of Governments (NCTCOG), Panhandle Regional Planning Commission (PRPC), City of Benbrook, and State of Oklahoma (SoonerSafe) safe room rebate programs and their lessons learned. Additionally, TDEM hazard mitigation staff will provide support and guidance from award date through closeout.

If an award is made, the City Council will have to work with the City's program staff and TDEM hazard mitigation staff to finalize programmatic features. Once that is completed, the City will issue a one-month notice of the start of the program and make final preparations to begin implementing the program. At the start of the third month of this program, an application period will be made available for one month. After the application period, program staff will filter applications to remove duplicate and/or ineligible applications. Once a filtered list is finalized, a random selection process (i.e. lottery) will be conducted separately for residents and for developers/builders.

Chosen residents will be notified, provided with an award packet, and given one month to accept or reject the program's terms and conditions. For selected applicants living in a home that is forty-five years or older, a State Historical Preservation Office (SHPO) review will have to be performed within that one-month period. Failure to perform the SHPO review will result in the applicant being removed from the program. If an SHPO review determines that the residence is ineligible for this program, then the applicant, and address, will be removed from the program. Failure to accept the terms and conditions within the one-month period, will result in an applicant being removed from the program. If an applicant chooses not to participate, they will be removed from the current list of eligible applicants, but will be allowed to reapply if another application

period is made available. Once an applicant accepts the terms and conditions, they will be provided with a notice to proceed with the installation process.

Participants will have a six to twelve-month “period of performance” (this amount of time will be finalized by City Council, during the finalization of programmatic features) to complete the installation and submit all required documentation to program staff. If an applicant is unable to complete the installation within the period of performance, they will be removed from the program. A three-month extension will be provided to an applicant that provides two or more statements from certified installers that indicate a delay beyond the ability of the applicant to resolve (e.g., installers are unable to perform the work due to surge capacity issues). However, the extension must be requested, in writing, at least one month before the end of the performance period. Once the installation is completed, program staff will perform a Final Site Review (FSR), which will verify that the safe room was installed according to programmatic terms and conditions. During the FSR, the participant will also receive preparedness informational materials, including information on how to best utilize their safe rooms.

Once the Final Site Review is completed and all required documentation has been verified by program staff, the program manager will place at least five rebate requests into a reimbursement request “batch.” These batches will be submitted to TDEM where they will be approved or denied within two to three months. Once approved, the City will receive a reimbursement from the State, which it will use to issue rebate checks to participants.

If rebates are still available after the resident list is exhausted, the developer/builder list will be used to exhaust remaining rebates. If rebates remain after both the resident and developer/builder lists have been exhausted, another application period will be opened, assuming enough time remains within the two-year grant performance period for another cycle to be performed.

To help visualize how the program implementation process will look, the following documents have been attached: Participant Award Packet, Applicant-Participant Timeline, Staff Program Timeline, and TDEM’s Texas Individual Safe Room Rebate Program Handbook (2013). While an outline of how the program will be implemented is required for the application, the City Council will ultimately determine how the program will be implemented, within the guidelines set forth by TDEM’s Texas Individual Safe Room Rebate Program Handbook. Once the City’s application is approved and the project is awarded, hazard mitigation staff from TDEM will work with the City to finalize programmatic features. From the time the project is awarded until the program is opened for participants, the City will be able to modify these features, so long as they do not conflict with the current version of the TDEM handbook.

## **DISCUSSION**

The December 26<sup>th</sup> tornado illustrated the importance of a prepared community. In fact, one of the very first Rowlett homes destroyed by the tornado contained an interior, reinforced room designed as a storm shelter. This shelter helped save several people from serious injury and/or death. After the tornado, many Rowlett residents purchased and installed safe rooms; however, many residents lack the financial capability to undertake this type of preparedness/mitigation measure. This program is intended to help those who have not installed a safe room due to financial concerns; whether they simply cannot afford, in the long-term, to make that type of capital purchase or they need a little financial incentive to help them take that final step.

## **FINANCIAL/BUDGET IMPLICATIONS**

Implementing the individual safe room rebate program will require staff time from several departments; thereby, creating some potential force account labor cost for the City. Development Services will be responsible for approving floodplain status, issuing building permits, and conducting final inspections of installed safe rooms. Finance will be responsible for processing requests for reimbursement, issuing rebate checks to program participants, and providing general program accounting support. The Office of Emergency Management will be responsible for the general management of the program, including: processing applications, supporting participants throughout the program process, and providing general support to other City staff with program responsibilities. IT staff will be responsible for providing program website support.

The grant program will reimburse the City \$100 per safe room rebate and is not anticipated to cost the City anything, so long as most of the following conditions are present: website registration and document uploading is made available to participants, building permitting fees are charged (this is reimburseable), the reimbursement process is performed in “batches,” an FSLA-exempt OEM staff member and/or unpaid intern provides program management, and the program is modeled after the best practices and lessons learned from other safe room rebate programs.

We have evaluated the financial impact that this will have on our various departments – Development Services, Finance, Information Technology, and Emergency Management. We have determined that the total cost is approximately \$110 per application. Additionally, the implementation of a building permit fee, which is reimburseable to a participant, will reduce the per application cost by \$50. It is important to note that this is estimated at a “worst-case” scenario, and the City will cover the expected costs associated with this program.

## **RECOMMENDED ACTION**

Move to approve a resolution to authorize the City Manager to submit an application to TDEM to receive HMGP funding for the implementation of an individual safe room rebate program.

## **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING AN APPLICATION TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR FUNDS UNDER THE HAZARD MITIGATION GRANT PROGRAM (HMGP) TO IMPLEMENT AN INDIVIDUAL SAFE ROOM REBATE PROGRAM IN THE CITY OF ROWLETT; AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT THE APPLICATION ON THE CITY’S BEHALF; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the purpose of the Hazard Mitigation Grant Program (HMGP) is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster; and

**WHEREAS**, the City of Rowlett was severely impacted by an EF-4 tornado on December 26, 2015; and

**WHEREAS**, the State of Texas was severely impacted by winter storms, tornadoes, straight-line winds, and flooding between December 26, 2015 and January 21, 2016 and those events were subsequently designated as a federally declared disaster by the Federal Emergency Management Agency (FEMA) and enumerated as DR-4255; and

**WHEREAS**, the Texas Division of Emergency Management (TDEM) administers FEMA's HMGP grants program in Texas; and

**WHEREAS**, TDEM has issued a call for hazard mitigation project applications to jurisdictions in Texas that have FEMA-approved hazard mitigation plans under DR-4255; and

**WHEREAS**, with the recent approval by FEMA and recent adoption by the City of Rowlett of the 2015 Dallas County Hazard Mitigation Action Plan (HazMAP), the City of Rowlett is eligible to apply for HMGP funding; and

**WHEREAS**, the December 26, 2015 tornado has increased interest and demand in the purchase and installation of safe rooms by Rowlett residents and for the type of assistance that could be provided through a safe room rebate program; and

**WHEREAS**, participation in this program would not require the City of Rowlett to directly provide matching funds against any HMGP funds that might be received; and

**WHEREAS**, it would benefit the City of Rowlett, and would be in the best interests of the public health, safety and welfare, if a safe room rebate program is implemented.

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

**Section 1:** That the City Manager is hereby authorized to prepare and submit an application to the Texas Division of Emergency Management for consideration of funding under the Hazard Mitigation Grant Program on behalf of the City of Rowlett, Texas, to implement an individual safe room rebate program to provide grant and rebate funding in accordance with federal regulations.

**Section 2:** That this resolution shall take effect immediately from and after its passage.

#### **ATTACHMENTS**

Attachment 1 – Rowlett Individual Safe Room Rebate Program Participant Award Packet (Draft)

Attachment 2 – Applicant-Participant Timeline (Draft)

Attachment 3 – Staff Program Timeline (Draft)

Attachment 4 – TDEM Texas Individual Safe Room Rebate Program Handbook (2013)



## City of Rowlett Individual Safe Room Rebate Program

Dear Applicant,

The City of Rowlett is pleased to inform you that you have been approved to participate in the City of Rowlett Individual Safe Room Rebate Program. Dependent upon your compliance with program requirements and timelines, you will receive a rebate for half the price of a safe room and allowable installation costs, up to \$3,000.

### Program participation considerations:

- This is a rebate program. **You will be expected to pay for the total cost of your safe room out-of-pocket.** The average cost of a safe room is \$3,000-\$6,000.
- If a safe room is financed, the safe room must be paid in full before the end of the program's installation period.
- **This program is NOT retroactive.** Any safe room under contract or installed before the receipt of this program award packet does not qualify for a rebate.

### What the rebate does and does not cover:

- The rebate covers (allowable costs): building permit fees, engineering fees (if applicable), safe room structure, delivery, and installation costs.
- The rebate does not cover (non-allowable costs): repair of damage done during installation of safe room, landscaping, painting, safe room add-ons (lights, electrical outlets, emergency supplies, etc.), financing, and credit card or banking fees.

### In order to receive reimbursement, you must:

- Contract with a producer and installer that are each a member of either the National Storm Shelter Association (NSSA) or American Tornado Shelter Association (ATSA).
  - Links to these associations can be found at (ADD LINK TO CITY SAFE ROOM PAGE)
- Follow all program criteria and guidelines.
- Complete installation of your safe room and submit the required documentation before (INSERT DATE).
  - **All documentation must be uploaded to** (ADD LINK TO CITY SAFE ROOM PAGE)

***An important note about receiving your reimbursement:*** applicant documentation is submitted to the Texas Division of Emergency Management (TDEM) for approval in batches. Therefore, your reimbursement will occur approximately 3-9 months after you have submitted your final documentation. The time required for a rebate to be issued will largely depend upon the time necessary to obtain enough rebate requests to make a request from TDEM for reimbursement and also the time it take TDEM to complete the review process.



City of Rowlett Safe Room Rebate Program

This award packet contains important program information, including program steps and a detailed list of required documentation. Please review the information thoroughly and follow all directions. **Failure to correctly complete documentation or comply with program guidelines could result in loss of rebate eligibility.**

Review the attached materials to familiarize yourself with program criteria, timelines, and documentation that must be submitted. Once you have done this, log into (PROVIDE LINK TO CITY WEBSITE) and accept the terms and conditions of the program before (INSERT DATE). You must accept the program terms and conditions before (INSERT DATE) or you will be removed from the program.

If you have questions or would like to opt out of the program, please email [rowlettsaferoom@rowlett.com](mailto:rowlettsaferoom@rowlett.com)

Best regards,

Ed Balderas

EM Specialist

Rowlett Office of Emergency Management



City of Rowlett Safe Room Rebate Program

**Program Steps:**

1. Review attached program materials and familiarize yourself with program criteria, timelines, and documentation that must be submitted.
  2. Log into (PROVIDE LINK TO CITY WEBSITE) with the email address used to sign up for the lottery list and the password created at time of registration and accept the program terms and conditions before (INSERT DATE).
    - a. **You must accept program terms and conditions before (INSERT DATE) or you will be removed from the program.**
    - b. Failure to accept program terms and conditions prior to beginning the installation process for your safe room will result in loss of rebate eligibility.
    - c. If you cannot or do not wish to accept the terms and conditions of the program, email [rowlettsaferoom@rowlett.com](mailto:rowlettsaferoom@rowlett.com) to opt out of the program.
  3. Contact a program-approved safe room producer and installer.
    - a. **The City cannot recommend a specific producer and installer.**
    - b. The producer and installer you choose must each be a member of either the National Storm Shelter Association (NSSA) or the American Tornado Shelter Association (ATSA).
    - c. Contact information for members of these associations can be found on the left side menu at (INSERT LINK TO CITY WEBSITE).
  4. Obtain a building permit, or have your installer obtain a building permit.
- Note: The building permit fee is covered as part of the rebate.
- Visit the City's Building Inspections Forms and Applications page for more information:  
<http://www.ci.rowlett.tx.us/index.aspx?NID=1121>
5. Have your safe room installed and collect all necessary documentation from your installer. See the following pages for details and descriptions of required and applicable documentation.
    - a. Required documentation:
      - i. Itemized installer invoice.
      - ii. Certificate of Installation
    - b. Documentation needed:
      - i. Building permit
      - ii. Rebate Transfer Form. Completing and submitting this form gives the City of Rowlett permission to send the rebate check directly to your installer on your behalf.
      - iii. Installer W-9. This is only required if a Rebate Transfer Form is submitted.
  6. Have a Final Site Review Form completed.



City of Rowlett Safe Room Rebate Program

The final site review will be conducted by the Office of Emergency Management or other City official, as determined by staff availability.

The Final Site Review Form is different than the final building inspection that is done as part of the building permit. However, the Final Site Review Form can be signed during the final building inspection.

7. Upload all required and any other applicable documentation, to (PROVIDE LINK TO CITY WEBSITE) before (INSERT DATE).



City of Rowlett Safe Room Rebate Program

***Documentation to Be Submitted for Reimbursement***

| <b>Required</b>                                | <b>If Applicable</b>  |
|--|---|
| <b>Itemized installer invoice</b>              | Rebate Transfer Form (If rebate is to be paid to installer) |
| <b>Building permit and proof of payment*</b>   | Installer W-9 (If rebate is to be paid to installer)        |
| <b>Certificate of Installation</b>             |   |
| <b>Three photos of installed safe room*:</b>   |   |
| Safe room with door closed                     |   |
| Safe room with door open                       |   |
| Safe room seal (blue or silver plaque/sticker) |   |
| <b>Final Site Review Form*</b>                 |   |
| <b>Floodplain Verification Form*</b>           |   |
| <b>Participant W-9</b>                         |   |

See the following pages for details and descriptions of required and applicable documentation.

**Failure to correctly complete documentation or comply with program guidelines could result in loss of rebate eligibility.**

\*This documentation will be completed and/or obtained by the program manager. This is intended to reduce the documentation burden for the participant.



City of Rowlett Safe Room Rebate Program

***Documentation to Be Submitted for Reimbursement***

Required Documentation:

Itemized safe room invoice:

- The invoice must show:
  - The type of safe room.
  - All charges itemized, including add-ons and installation costs.
    - Add-on charges include generators, emergency supplies, custom orders, paint, etc.
    - Installation costs include fence take down, concrete pouring, dirt or fill, etc.
  - Building permit fee (if obtained by your installer).
- If there was work done during the installation of your safe room by a company other than your installer, an itemized invoice must be provided for this work.
  - Work such as fence removal, concrete pouring, etc.
- Must say "invoice."
  - Cannot be a receipt.

***\*Total amount billed on invoice must match total amount shown by proof of payment EXACTLY.\****

Certificate of Installation:

- This is obtained from and filled out by your installer.
- All fields must be completed, including GPS coordinates.
- See the example of an American Tornado Shelter Association (ATSA) Certificate of Installation to the right for reference

Proof of payment:

- Proof of payment for all allowable costs.
  - Allowable costs: building permit fees, engineering reports (if applicable), safe room structure, delivery, and installation charges.
  - Non-allowable costs: repair of damage done during installation of the safe room, landscaping, paint, safe room add-ons (lights, generators, emergency supplies, etc.), financing, and credit card or banking fees.
- If there was work done during the installation of your safe room by a company other than your installer, proof of payment must be provided for this work.
  - Work such as fence removal, concrete pour, dirt haul, etc.
- The following are acceptable forms of proof of payment:
  - Front and back of cancelled check(s).
  - Screenshot of online banking activity reflecting the charge(s). Your name must be visible on the submitted screenshot.
  - Credit card statement reflecting the charge(s). Charge(s) must already have been processed and cannot be pending at time of document submission. Your name must be visible on the statement.

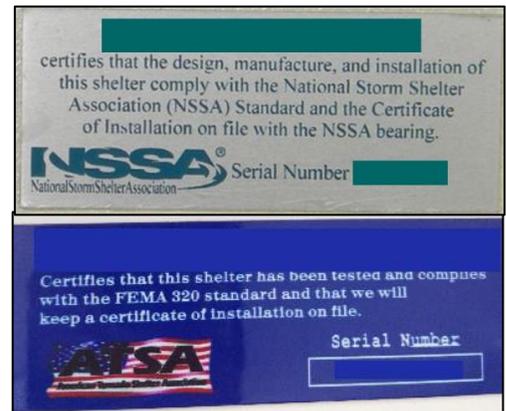


### City of Rowlett Safe Room Rebate Program

- All account numbers and non-safe room related charges may be blacked out.
- Check image from your bank statement reflecting the bank name and the date the check posted to/cleared your bank account.
- Installer invoice showing that you paid cash.
- **NO RECEIPTS OR INVOICES MARKED AS PAID WILL BE ACCEPTED AS PROOF OF PAYMENT.**
- Your safe room can be financed.
  - If your financing does not meeting program qualifications, loss of rebate eligibility will occur.
- Proof of payment must show the following:
  - Your name.
  - Date.
  - Amount paid (including any processing or bank fees).
- Total proof of payment amount must match total amount billed on invoice EXACTLY.

#### Three clear photos of safe room (these will be obtained during the Final Site Review):

1. Safe room with door closed.
2. Safe room with door opened.
3. Seal on safe room.
  - This is obtained from your installer.
  - The seal is the blue of silver plaque/sticker that shows the name of the manufacturer and the serial number of the safe room.
  - Photo must be zoomed in enough to read the company name and serial number clearly.
  - See the example of NSSA and ATSA safe room seals to the right for reference.



#### Final Site Review Form (this will be completed during the Final Site Review):

- This form is included in this award package on (INSERT PAGE NUMBER), or can be found at (INSERT LINK TO CITY WEBSITE).
- It is to ensure the safe room was installed on your property.
- It is to be completed after the installation of the safe room.
- This form is required for all applicants. The Final Site Review Form is different than the final inspection that is done as part of your building permit.
- The Final Site Review Form can be completed in conjunction with the final building inspection.
- The final site reviewer does not need to be a City building inspector, and the program manager may serve in this role.
- The program manager will help schedule the Final Site Review, after all other required documentation has been received.
- Final Site Reviews will be by appointment only. They will available M-F 8AM-9PM and Sat./Sun. 10AM-5PM.



### City of Rowlett Safe Room Rebate Program

#### Participant W-9:

- This form is included in this award packet on (INSERT PAGE NUMBER), or can be found at (INSERT LINK TO CITY WEBSITE).
- ***Include only one name, one Social Security number, and one signature.***
- The name must be your legal name.
- Fill out all applicable lines.
- Do not forget to check the “individual/sole proprietor” box, sign, and date the form.
- The name and address on the W-9 form determines to whom the rebate check is made out to and the address to which the check is mailed.

#### Building Permit and Fee Paid (this will be obtained by the program manager):

- A building permit will be required for every safe room that is installed.
- The Rowlett Development Services department manages the building permitting process. More information on the permitting process can be found here:  
<http://www.ci.rowlett.tx.us/index.aspx?NID=1121>
- Anticipate at least seven days for this process to be completed.
- If a fee is charged, it will be a reimburseable expense under the rebate program.
- The program manager will obtain a copy of the building permit from Development Services and it will be added to your individual rebate file.

#### Documentation to Submit Only If Applicable:

##### Rebate Transfer Form:

- This form is included in this award packet on page 14.
- Completing and submitting this form gives NCTCOG permission to send the rebate check directly to your installer on your behalf.
- You will not receive any reimbursement.
- Not all installers offer this service. **Check with your installer before signing a contract if you want to utilize this service.**
- If you and your installer choose to use this form, you must print the form and have it available for completion at the time of installation of the safe room.
- The Rebate Transfer Form must be signed by you and an installer representative.
- Legal Name of Business must match business name on installer’s W-9.
- “Doing Business As” (DBAs) names must be included on the form.

##### Installer W-9

- This form is included in this award packet on page 12 or can be found at (<https://saferoom.nctcog.org/>) under the resources tab at the bottom of the page. It is the same form as the participant W-9.
- If a Rebate Transfer Form is being used, the installer must fill out a W-9.
- Business name on W-9 must match legal business name on the Rebate Transfer Form.
- The installer’s Employer Identification Number must be included.
- You must print this form and have it available for completion at the time of safe room installation.



City of Rowlett Safe Room Rebate Program

Floodplain Verification Form

Date: \_\_\_\_\_

Applicant Information:

Name (one name only): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone number: \_\_\_\_\_

Local Floodplain Representative (LFR) Information:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone number: \_\_\_\_\_

Latitude and Longitude of above property (must be to 5 decimal places):

\_\_\_\_\_

LFR Signature: \_\_\_\_\_

I, as a Local Floodplain Representative for my jurisdiction, verify that according to the maps provided by the National Flood Insurance Program (NFIP) and available to the local entity, the property listed above does not appear to be in the Special Flood Hazard Area (SFHA) or in a designated FEMA Flood Zone A or AE. I do not verify the establishment or confirm the location of SFHA floodplain areas with respect to property limits or structures.

Note: SFHA's on NFIP maps are not a guarantee that any particular location is not subject to inundation, only that it is denoted as reasonably safe from flooding.



## City of Rowlett Safe Room Rebate Program

**Final Site Review Form**

Date: \_\_\_\_\_

**Participant Information:**

Name (one name only): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**To be completed by Final Site Reviewer (FSR):**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

NSSA or ATSA Seal Number (located on the sticker or plaque on safe room): \_\_\_\_\_

FSR  
Signature \_\_\_\_\_

**Participant: you must supply the reviewer with this form.** A final site review is required to ensure that a safe room was truly installed prior to receiving a rebate. Site reviews are to be conducted by an employee of the program participant's jurisdiction. If the program participant's jurisdiction requires a building inspection for the safe room, the final site review can be done at the same time as the inspection.

Contact [rowlettsaferoom@rowlett.com](mailto:rowlettsaferoom@rowlett.com) or 972-463-3950 with any questions.



## City of Rowlett Safe Room Rebate Program

**Rebate Transfer Form**

Date: \_\_\_\_\_

## Participant Information:

Name: (one name only) \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

I, as the participant listed above, grant Rowlett permission to issue the rebate check acquired through the Rowlett Safe Room Rebate Program to the installer listed below. I understand the rebate check will be mailed directly to the installer listed below and both the installer and I are required to provide Rowlett with W-9 forms and any other requested information for its internal processing purposes. Further, I waive any and all rights to receive payment from Rowlett and agree that I retain sole financial responsibility to the installer for the purchase transaction in the event Rowlett or the grant funding agency, in their sole discretion, do not receive appropriate documentation or determine the transaction ineligible.

**Installer Representative Information**

Legal Name of Business (include any Doing Business As names): \_\_\_\_\_

Name of installer representative: \_\_\_\_\_

Installer Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Installer Authorized Representative's Signature: \_\_\_\_\_

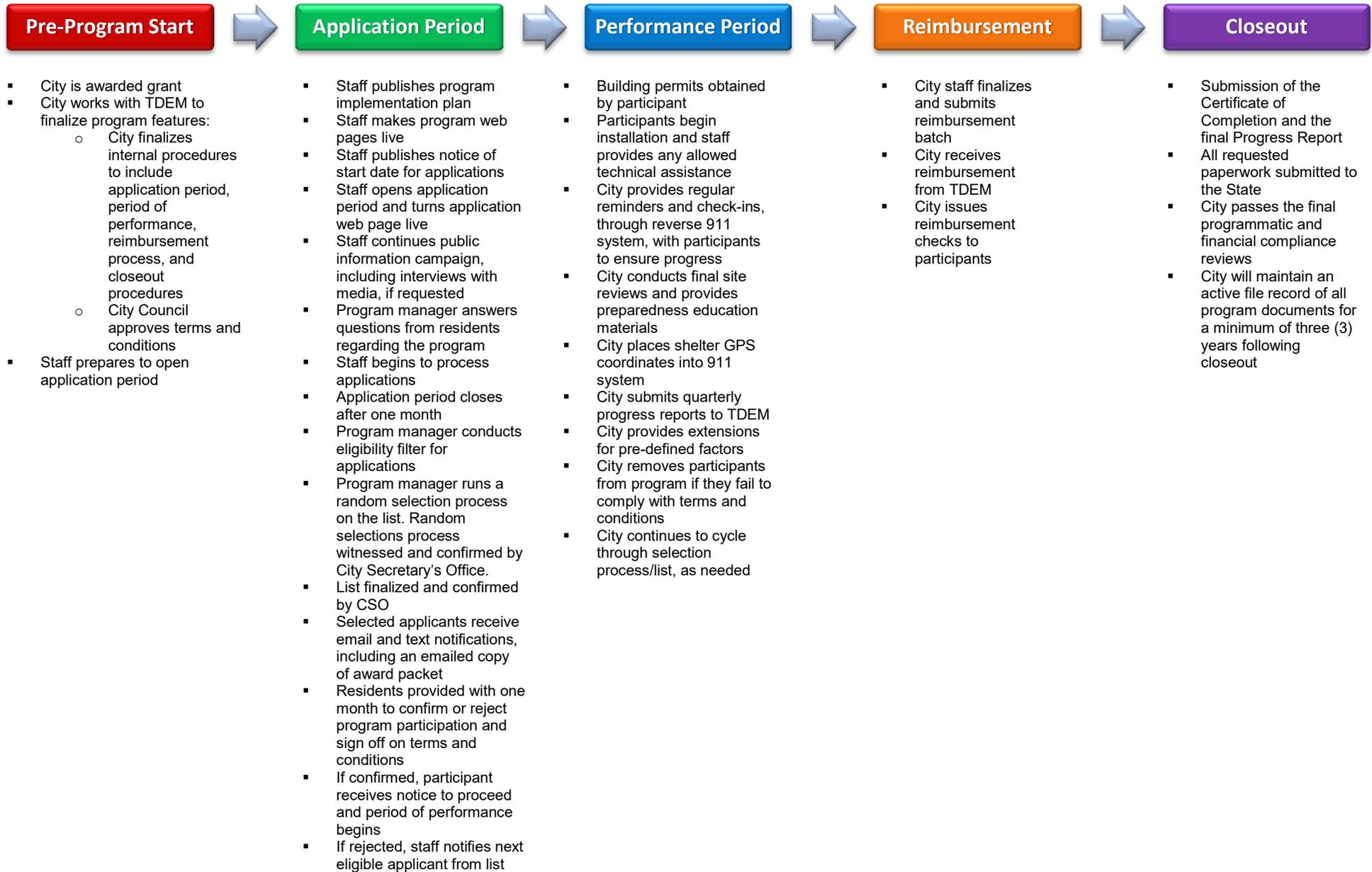
I, as the installer representative listed above, understand that Rowlett will issue the rebate check directly to me on behalf of the Rowlett Individual Safe Room Rebate Program participant listed above. I understand that the rebate check will be mailed directly to the address listed above and both the applicant and installer company are required to provide the City of Rowlett with W-9s and any other requested information for its internal processing purposes. Further, I agree that payment from the City of Rowlett is contingent upon receipt of required information, and the determination and approval of eligibility is determined by the City of Rowlett and the grant funding agency in their sole discretion. In the event of non-payment by Rowlett, the participant retains sole financial liability.



12-21 MONTH PROGRAM PERIOD

- Public notice of program opening
  - Interested residents and developers/builders submit application  
(1 month process)
  - Applications processed and eligible applicants put in lottery-based list for selection  
(1 month process)
  - Selected applicants notified and provided with award letter
  - Applicant confirms/rejects participation  
(1 month process)
  - Selection process cycled, as needed, from current or new lottery list
- Participant installs safe room  
(6-12 month process)
  - Participant submits documentation for reimbursement
  - City processes documentation and prepares reimbursement “batches”
  - City submits quarterly progress reports to TDEM
  - Participants will be removed from program for failing to comply with program terms and conditions (repeat selection process)
- Reimbursement “batch” submitted to TDEM
  - TDEM processes request and issues reimbursements  
(~1-3 month process)
  - City issues reimbursement checks to participants  
(~1 month process)

# STAFF PROGRAM TIMELINE





# **TEXAS DIVISION OF EMERGENCY MANAGEMENT**

## **TEXAS INDIVIDUAL SAFE ROOM REBATE PROGRAM HANDBOOK**

### **For Local Jurisdictions**

TEXAS RESIDENTIAL SAFE ROOM REBATE PROGRAM  
HANDBOOK

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EXHIBITS

- Exhibit A – Participant Voluntary Participation Form (recommended)
- Exhibit B - Sample Applicant Notification Letter

## **RESIDENTIAL SAFE ROOM REBATE PROGRAM STATE OF TEXAS**

### **1. INTRODUCTION:**

The State of Texas annually, experiences on average over 140 inland windstorm events that are classified as tornadoes and approximately 2 to 3 major coastal tropical cyclone weather events that spawn numerous tornadoes as well as hurricane force winds that exceed 125 miles per hours sustained wind speeds. While these windstorm events create massive losses to private and public property the most important issue is the larger threat of death and bodily injury to unprotected citizens.

In most windstorm injury or death events, a community's homes and offices are severely damaged or destroyed because the structures are not built to a windstorm building code high enough to provide the necessary protection. The advanced warning of an approaching hurricane allows community wide sheltering preparations but the impact of a tornado arriving with little notice has all too often devastated a community with death and destruction. Though less populated, windstorm dangers are equally serious in rural areas due to fewer construction codes, community safe rooms that are nonexistent or too far away to reach in time, and exposure to deadly flying debris. Manufactured homes are particularly vulnerable as they do not have sufficient structural integrity to protect individuals and families from winds speeds in excess of 200 MPH and the accompanying debris projectiles traveling at over 100 MPH.

The building industry has realized it is too costly and impractical to routinely construct homes and offices to the specifications of a 200 MPH wind speed standard which is necessary to withstand tornado or hurricane force winds. However, it is practical and cost effective to construct a single room that meets those safety specifications. The homeowner's cost for the construction of a windstorm safe room is very reasonable when protecting the lives of their families and the critical documents needed to recover from the event.

Protecting the lives of homeowners and their families becomes even more affordable when monetary assistance is available from a government grant in a community rebate program. This is such a program.

## 2. **REBATE PROGRAM DESCRIPTION:**

The Texas Individual Safe Room Rebate Program is an eligible project available through two of the Federal Emergency Management Agency (FEMA) administered grant programs. These two grant programs are authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act and managed by the Texas Division of Emergency Management for the State of Texas.

The Hazard Mitigation Grant Program (HMGP) is established in the event of a Presidential Disaster Declaration and is funded at an amount based upon the size of the disaster. It is a competitive grant program limited to eligible applicants in the State of Texas.

The Pre Disaster Mitigation (PDM) program is an annual congressional appropriation. This is a competitive grant program available to eligible applicants nationwide.

While these grants are both reimbursement grants with a 75/25 (federal share/local match) split, the Texas Individual Safe Room Rebate project is a 50/50 (federal share/local match) split with the homeowner.

This program was created to allow Texas communities to offer their citizens an incentive type rebate for the construction and installation of an above ground or in ground safe room at their dwelling.

This program is operated at the community level in accordance with the requirements described in the State of Texas Hazard Mitigation Plan – Annex A (entitled the Hazard Mitigation Grant Program Administrative Plan), the 44 CFR (Code of Federal Regulations), the Hazard Mitigation Assistance Unified Guidance in place at the time of the grant, and this handbook.

## 3. **ELIGIBILITY:**

### **A. Grantee – The State of Texas:**

With a current FEMA approved State Mitigation Plan (Standard or Enhanced), the State of Texas is eligible to participate in the Federal Emergency Management Agency, Hazard Mitigation Grant Program (HMGP) and Pre Disaster Mitigation (PDM) grants established by the Stafford Act. The State must operate these grants in accordance with the rules and regulations as set forth in the 44 CFR, the State of Texas Hazard Mitigation Administrative Plan, the current FEMA Hazard Mitigation Assistance Unified Guidance, and this handbook.

**B. Sub-grantee: eligible sub-grantees are state and local governments, Indian Tribal Governments, State agencies, Councils of Governments and for HMGP some Private Non-Profits with:**

- A State and FEMA approved Mitigation Action Plan (MAP),

**NOTE:** HMGP project applications may be submitted to the State once the completed MAP has been sent to the State for review, however, if the MAP is not approved by FEMA prior to the State's grant application deadline, the project is not eligible for FEMA approval and will be withdrawn from further consideration. PDM sub grantees must have a currently approved MAP to apply for all projects except planning grants.

- A current emergency management plan that meets the requirements of a basic level of planning preparedness as defined in *the Preparedness Standards for Texas Emergency Management* (TDEM-100 available on the Texas Division of Emergency Management website). There is no exception for this requirement in either grant.

**C. Sub-grantee program participants must be:**

- Owner occupants, builders, and developers,
- Living, building, or developing within the community applying for the grant,

**D. Property must be:**

- Owner occupied single family dwellings,
- Owner occupied multi-family dwellings such as duplexes, condominiums or town homes are limited to those occupants on the ground floor,
- NOTE: rebates may not be combined to install larger multifamily safe rooms
- The property in its entirety may not be located in, a FEMA or locally mapped floodplain,
- The safe room must be installed and receive a seal from a member of one of the approved organizations identified as:

1. National Storm Shelter Association (NSSA)

P. O. Box 41023

Lubbock, TX 79409

Phone: 1 877.700.NSSA (6772)

Website: <http://www.nssa.cc/home.php>

E-mail: [info@nssa.cc](mailto:info@nssa.cc)

2. American Tornado Shelter Association (ATSA)

P.O. Box 10127

Amarillo, TX 79116-0127

Phone: 806-477-0782

Website: <http://www.americantornadoshelterassociation.org/>

#### 4. RESPONSIBILITIES:

##### A. Grantee – The State of Texas will:

Provide HMGP and PDM program management. These duties include but are not limited to:

- Notification of grant program availability state-wide,
- Verification of the sub-grantee eligibility,
- Furnishing guidance and direction to the sub-grantee as needed,
- Monitor the program integrity in accordance with all rules and regulations identified in this document,
- Collect, validate and maintain all appropriate records for each application and approved project, in accordance with programmatic requirements,
- Provide sub-recipient monitoring and submit all required reports to FEMA,
- Make Payments by check or electronic funds transfer,
- Validate all program operations and reimbursement requests.
- Spot-check local projects to maintain program integrity.
- Conduct all program and financial audits at closeout.

##### B. Sub-grantee will:

Provide local program management. These duties include but are not limited to:

- Co-mingling of project fund activities with other accounting operations jeopardizes a successful audit. The State recommendation to avoid potential loss of funding is:
  - a) Sub-grantee should establish a non-interest bearing account for managing and accounting for all project transactions,
  - b) Immediately upon project approval the sub-grantee should submit an original signed “Direct Deposit Authorization” form to your assigned project officer. This is the most reliable and expedient method of reimbursements and the process takes 14 days to become effective.
- Sub-grantee will include, in the application, a plan to be used for the selection of rebate recipients establishing the application period, selection criteria and program process. The plan must be applied to all rebate participants.

- The programmatic procurement requirement is the application of the most restrictive of the federal, state, or local laws. This project is a construction type of project and sub-grantees may need to amend their procurement by-laws to include the following verbiage. For some sub-grantees, this amendment could require action by a city council or county commissioner's court. It should be accomplished before making any selections or payments to participants.

“When participating in the State’s Mitigation Grant Programs for individual windstorm safe rooms or property elevation, the individual property owner involved may be selected as the primary contractor without going through the city/counties normal bid process and are not subject to the normal bonding requirement; however, payments to the participating homeowner and/or their assigns, are capped at the level of funding originally requested for that address, are limited to reimbursement of expenses incurred, and are payable as indicated in the project approval.”

- Once the project is approved by FEMA, a public notice will be required announcing that the community has secured the funding for the project and who to contact if interested. A page from the local newspaper exhibiting the printed notice is sufficient proof to meet this requirement. Provide a copy of the notice with the first quarterly progress report.
- The sub-grantee is responsible for verifying that the entire property of any and all selected participants is located outside of a mapped floodplain.
- The HMGP and PDM grant programs are subject to the Nation Environmental Policy Act (NEPA) regulations as well as the National Historic Preservation Act (NHPA) regulations which include the Historic Preservation Section 106 Review. The sub-grantee will be responsible for obtaining a State Historical Preservation Officer (SHPO) clearance for each selected participant with a structure over 45 years old before the final approval of that participant. Any selected participants installing a safe-room prior to the SHPO clearance and final approval are not eligible for a rebate under either of these grants. Mobile homes are excluded from this requirement.
- The sub-grantee (not the State) will conduct all transactions with the program participants, and are authorized to rebate program monies, in accordance with program requirements, to selected and approved homeowners (and/or their assigns) for the construction/installation of an eligible above ground or in ground individual safe room.

- The sub-grantee is responsible for verifying that the safe room has been constructed, recording the affixed seal number, the capture of the required Lat/Long information on the safe room location, a picture of the safe room, and collection of the paid receipts for the safe room construction. Location lat/long data should be captured in decimal degrees to five decimal places (WGS84 datum). Example: 33.43678 -98.20654.
- The sub-grantee is responsible for submitting all required reports and documentation to the State (in accordance with the program requirements) to apply for reimbursement.
- HMGP and PDM are subject to Executive Order 12549, “Debarment and Suspension”. Grantees and sub-grantees must not make any award or permit any award (sub-grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs. In addition to being a member of NSSA or ATSA every payment not made directly to the homeowner must include verification from the System for Award Management (SAMS) that the payment recipient is not debarred or suspended from receiving federal funds. The verification form must be included with the cancelled check for each reimbursement request for funds paid to anyone other than the approved homeowner.  
([www.sam.gov/portal/public/SAM](http://www.sam.gov/portal/public/SAM))

**C. Sub-grantee participants will:**

- Acknowledge that the Property owner’s participation in the Individual Residential Safe Room Rebate Program funded through either of the FEMA grants **is** on a voluntary basis,
- Complete the Participant Rebate Form,
- Provide all required documentation when requesting reimbursement. Required documentation includes but is not limited to: the certification form completed by the eligible installer, paid receipts with copies of the front and back of the cancelled check, copy of any required building permits, and pictures. Only one rebate may be paid per safe-room/per address location.
- Provide the sub-grantee with access for the safe room inspection and the verification of the seal number if requested.

**PLEASE NOTE:**

**This is a reimbursement program and all expenses incurred during the safe room construction will be borne by the property owner.**

**This is NOT a retroactive program and safe rooms installed prior to the approval of the project are not eligible.**

**5. PROGRAM STEPS:**

- A. Grant funding is announced.
- B. Eligible sub-applicants submit appropriate applications for either HMGP or PDM.
- C. Once the project is selected by the state and submitted to and approved by FEMA, the sub-grantee finalizes their implementation plan including but not limited to the selection and reimbursement process that will be used and provides a copy of the plan to the state for review.
- D. Sub-grantee submits proof of the public notice publication with the first quarterly report.
- E. Sub-grantee during implementation of the project provides inspection and documentation of selected participant safe rooms, collects paid receipts, requests reimbursements from the state, and meets reporting requirements as outlined in this handbook.
- F. Sub-grantee reimbursement requests must include but are not limited to:
  - Completed Participant Rebate Form (**Exhibit F**) with all required information on the structure, and a picture of the safe room (preferably in digital format),
  - A FIRM-ette or a statement from the local floodplain administrator assuring that the property is not located in the floodplain. This should include the lat/long of the property to 5 decimal places.
  - Copies of paid receipts from the participant,
  - SHPO approval for each structure over 45 years old, except mobile homes,
  - Each payment request should also include the \$100.00 fee on each completed safe-room for program operational costs.
- G. Project quarterly progress reports submitted to the state project officer. The progress reports include but are not limited to: running totals on safe-rooms available, under construction, and complete; total funds expended to date; project percentage completed; and local participation creating a cost overrun/under-run issues; explanation of any problems encountered or assistance required. The reports must also reflect any changes to the original approval such as additional funding or extensions in the period of performance.
- H. Sub-grantee is responsible for project monitoring during implementation, compliance with all programmatic requirements, and accountability of all funding.

**6. CLOSING ACTIVITIES:**

The sub-grantee requests project close out when:

- Approved grant funding is exhausted,
- The project period of performance (POP) has expired.

Closing activities include:

- Submission of the Certificate of Completion and the final Progress Report
- All requested paperwork has been submitted to the State.
- Sub-grantee passes the final programmatic and financial compliance reviews.

**7. RECORD KEEPING ACTIVITIES:**

The State (Grantee) will maintain an active file of all program documents for a minimum of four (4) years following the closing of the grant.

The sub-grantee will maintain an active file of all program documents for a minimum of three (3) years following the closing of the project.

Because of the comprehensive information requirements for each safe-room to be constructed, TDEM has developed a database to assist in the submission of their projects. Use of this database will greatly simplify and expedite the application process. A copy of the current database on disk will be provided by TDEM. The electronic file is in Access or Excel and called "Individual Safe Room Summary Report".

The State has calculated that sub-grantees labor, travel and ancillary costs should not exceed \$100 per safe room (2%), which is covered by the fixed management fee. Because the safe room rebates are reimbursed at 50/50 rather than 25/75, the sub-grantee will not normally be required to contribute any funding or in-kind documentation to meet the 25% match requirement for the \$100 management fee.

To meet the project management and inspection requirements in very large project areas, the management fee estimated per safe room may not be sufficient to cover the sub-grantee's expenses. In those cases the sub-applicant/grantee should submit a formal request with a proposed budget and justification for additional funding to the State Hazard Mitigation Officer.

If additional project operational costs are approved and funded the sub-grantee may be required to provide match funding or in-kind documentation to maintain the 75% federal share/25% local share programmatic requirements.

## 8. FINAL THOUGHTS:

The first thought is always to encourage the safety of your citizens through the jurisdictions active participation in programs such as the Individual Safe Room Rebate Program. Every community with citizens at risk should actively promote the desirability of having an in home safe room and the partial funding through the rebate program supports that promotion. This project is designed access addition funding through cost overrun requests and is not limited to a one time grant per community. If the risk and the local participation are high communities can apply for additional projects in the future funding opportunities of both HMGP and PDM. This allows the sub-grantee to have an ongoing program to provide safe room rebates.

Things the sub-grantee may consider when designing their program:

- Minimum safe-room size eligible for rebates - FEMA guidance stipulates a minimum of 5 square feet per person – you might evaluate the average family size in your area before you encourage a one/two person safe room for a home with 3 or 4 bedrooms. The sub-applicant can require minimum size safe rooms as part of their local implementation as long as it applies to all participants.
- Multi-family dwellings such as duplexes, triplexes, four-plexes, condominiums, and townhomes, can create many issues:
  - a) One rebate per owner (developers may be considered differently but the criteria must be applied to all developers equally),
  - b) Rebates cannot be combined to create larger safe rooms,
  - c) The dynamics of safe room access can change with new occupants and current owner/tenant relationships may not extend into the future – again you must treat all participants the same,
  - d) Owner occupied unites above the ground floor would not be eligible,
  - e) With these mixed land/structure/ownership units – the land ownership must be established before an in-ground safe room can be installed.
- Builders and developers - the sub-grantee can specify a specific number of safe rooms for builders and developers or a maximum reasonable rebate amount. Although they must be a NSSA or ATSA safe-room, it is normally much less expensive to install an in home safe room during construction than as a post construction retrofit. We highly recommend that you **DO NOT** allow the builders and developers to acquire all of the reimbursements.

- Your public notices, eligibility requirements, and published implementation plan should go a long way in protecting you from criticism for the fair and equal operation of the grant.
- History indicates that once word gets out your program will become oversubscribed with more participants than funds available. Pre-establish your decision criteria for the selection of participants. Be consistent in the selection – some things to consider might be:
  - a) first come first serve;
  - b) the same age/income/disability criteria for participation in various HUD programs for a percentage of the participants;
  - c) repeatedly impacted areas or previous tornado damages/losses at the location;
  - d) type of structure construction - priorities might include particularly vulnerable mobile homes;
  - e) geographical allocations applied in multi county or multi city projects or based on population density;
  - f) existing sheltering resources and warning capabilities in the area – rural areas normally have minimal warnings and limited sheltering options within reach.
  - g) consideration for active military, first responders, and veterans;
  - h) the size of the home such as number of bedrooms to establish minimum size safe rooms.
- Whatever the criterion used, it must be applied equally to all participants.
- Keep all information transparent and in the public domain to avoid future problems.

**Exhibit A: Applicant Rebate Form:**

**This is a recommendation, however, whatever form you use, must include the following:**

**Participants name, address, contact information, property legal description, safe room information, safe room latitude/longitude (required by FEMA), contractor information, safe room seal number, an authorization to release the safe room information to the 911 first responders, and a statement to include program information on applicant eligibility, safe room qualifications, and finally floodplain and surge zone restrictions.**

# RESIDENTIAL SAFE ROOM REBATE APPLICATION FORM

**HOME OWNER INFORMATION**

**NAME**

\_\_\_\_\_  
(LAST) (FIRST)

**CURRENT MAILING ADDRESS**

\_\_\_\_\_  
(STREET/P.O. BOX)

\_\_\_\_\_  
(CITY) (STATE) (ZIPCODE)

**PHONE NUMBERS**

\_\_\_\_\_  
(HOME) (WORK)

\_\_\_\_\_  
(FAX) (PAGER)

\_\_\_\_\_  
(E-MAIL ADDRESS)

**PROPERTY LOCATION**

**LEGAL DESCRIPTION**

\_\_\_\_\_  
(SUBDIVISION OR SURVEY NAME)

\_\_\_\_\_  
(Section) (Lot) (Block) (Reserve) (Abstract) (Acreage)

**PROPERTY ADDRESS**

\_\_\_\_\_  
(STREET)

\_\_\_\_\_  
(CITY) (ZIP CODE)

**PLEASE READ THE FOLLOWING**

- This form does not guarantee that your safe room application will be funded.
- If funded this program provides a 50% rebate (up to \$3,000.00) to eligible participants who install above-ground or underground safe rooms.
- Qualifying safe rooms must be built/ installed, and certified by a programmatic approved contractor.
- I certify that my property is not located in a floodplain or a Coastal Surge Zone (V Zone).
- I understand that my participation in this program is completely voluntary.

I, the undersigned, have carefully reviewed this form and understand all the information herein. To the best of my knowledge, the answers hereto are all true and correct.

\_\_\_\_\_  
(SIGNATURE OF OWNER OR THEIR AGENT) (DATE)

**SAFE ROOM INFORMATION**

**Please Answer the Following**

Date of installation: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Safe room Type: In-ground \_\_\_\_ In-residence \_\_\_\_

Exact Location of safe room:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of contractor: \_\_\_\_\_

Association and Contractor Membership ID:  
\_\_\_\_\_

Contractor debarment status verification date: \_\_\_\_\_  
Printout must be attached.

**PLEASE COMPLETE AND SIGN THE FOLLOWING**

Prior to reimbursement the following information must be complete:

**911 ADDRESS:** \_\_\_\_\_

**LATITUDE:** \_\_\_\_\_

**LONGITUDE:** \_\_\_\_\_

**SEAL NUMBER:** \_\_\_\_\_

I hereby authorize the release of the safe room information to the local Emergency First Responders including but not limited to the Fire Department, Police Department, and Emergency Medical Service, to assist in location and rescue efforts.

\_\_\_\_\_  
(SIGNATURE OF OWNER OR THEIR AGENT) (DATE)

## RESIDENTIAL SAFE ROOM REBATE APPLICATION FORM

**PLEASE READ**

This is a sample participant application form which is designed to provide all of the required information and activities the sub-grantee must collect.

The left half is what the homeowner applicant fills out to enroll in the project.

The right half is completed by the jurisdiction to verify and finalize the project.

The form is then kept by the jurisdiction for the required amount of time.

One other nice thing about this form is that it is very versatile, it can be put on a website, e-mailed to or from potential participants, and finally printed and distributed.

The sub-grantee must provide the Fire and Police Departments with the safe room lat/long location to aid in disaster response and recovery. With identified safe room information it is possible to locate survivors more quickly and safely in spite of collapsed homes and debris.

**Reminder: This program does not reimburse any safe rooms on properties located in any identified floodplain.**

If you have any questions, please contact:

Texas Division of Emergency Management

[Tdem-mitigation@dps.texas.gov](mailto:Tdem-mitigation@dps.texas.gov)

Main number: 512-424-5489

Unit FAX number: (512) 424-5959

## Exhibit B: Sample Homeowner Notification Letter

## JURISDICTION LETTERHEAD

Mr. John Q. Public  
123 Sage St.  
Town, TX 77777

Sir:

We are pleased to inform you that you have been selected and approved for participation in the Jurisdiction Name Texas Residential Safe Room Rebate Program. As such, you will be reimbursed for up to 50% of the eligible costs of the construction of your safe room, up to a maximum of \$3,000.

We remind you that to obtain reimbursement, you must:

- complete the installation of your safe room prior to (insert date),
- verify the contractor is a member in good standing with the National Storm Shelter Association (NSSA) or the American Tornado Shelter Association (ATSA),
- provide documentation of paid receipts and cancelled checks to: (insert mailing address),
- allow a final inspection by the designated program official.

In the event you choose not to continue participation in the program please notify (insert name and contact information) in order that the funding may be offered to other participants.

In the event that you do not complete the installation of your safe-room by (insert date) and provide all required documentation by (insert date) your funding will be withdrawn.

The safety of our families is important to all of us and we sincerely hope this funding opportunity will allow you to further protect your family with the installation of a new safe-room in your home.

Sincerely,

J. Jones  
EMC



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

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

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 8A

**TITLE**

Conduct a public hearing and consider an ordinance on a request for a rezoning from General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility. The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is requesting to rezone 3.69 +/- acres along Miller Road (Attachment 1 – Location Map) from C-2 Zoning District to a Planned Development (PD) District with an underlying zoning of C-2 to allow an assisted living/memory care facility that will serve up to 50 residences (Exhibit C – Statement of Intent and Purpose).

The Planning and Zoning Commission recommended approval of this item at their June 14, 2016, regular meeting on a 6-1 vote with Commissioners Kim Clark dissenting. The item was discussed under Item C2, which can be viewed at the following link: <http://rowlettx.swagit.com/play/06142016-1485>.

**BACKGROUND INFORMATION**

The subject property is located along the south side of Miller Road 295 +/- feet east of President George Bush Tollway (PGBT). The subject property is bounded by existing single family subdivisions to the south and east, which are currently zoned Single Family 9 and Single Family 10. To the west, is a 3.7 acre tract of land that is currently zoned C-2. To the north, are existing single family homes that are currently zoned C-2.

In addition to requesting to allow an assisted living facility, the applicant as part of the PD is requesting modified development standards (Exhibit D – Development Standards). The modified standards compared to the RDC standards are listed in the table below. If approved, the proposed development will follow the standard requirements in the RDC except for those requirements specified in the Development Standards and the Concept Plan. The applicant's Concept Plan proposes an assisted living/memory care facility that includes two buildings that will serve a maximum of 50 residences total (Exhibit E – Concept Plan).

| Table 1: Proposed Deviations from RDC Standards |   |  |
|---|---|--|
| Regulation                                      | Under Current Code  | Proposed PD  |
| <b>Uses</b>                                     | <ul style="list-style-type: none"> <li>• C-2 uses</li> </ul>  | <ul style="list-style-type: none"> <li>• C-2 uses</li> <li>• Assisted Living / Memory Care</li> </ul>  |
| <b>Setbacks</b>                                 | <ul style="list-style-type: none"> <li>• Front setback 50 feet</li> <li>• Side yard setback adjacent to residential 50 feet</li> <li>• Rear yard setback 30 feet</li> </ul> | <ul style="list-style-type: none"> <li>• Front setback 50 feet</li> <li>• Side yard setback adjacent to residential 50 feet</li> <li>• Rear yard setback 50 feet</li> </ul>  |
| <b>Parking</b>                                  | <ul style="list-style-type: none"> <li>• 1 space for every 2 rooms or beds, whichever is greater plus 1 per 100 sq. ft. of assembly area.</li> </ul>                        | <ul style="list-style-type: none"> <li>• 1.5 spaces for every two beds or bedrooms, whichever is greater</li> </ul>  |
| <b>Building Materials</b>                       | <ul style="list-style-type: none"> <li>• 100 percent masonry (stone, brick, split-face CMU or stucco)</li> </ul>  | <ul style="list-style-type: none"> <li>• 100% masonry on the façade facing Miller and PGBT</li> <li>• 50% brick or stone and 50% cementitious board on side and rear elevations</li> </ul>   |
| <b>Landscaping</b>                              |   |  |
| <i>Compatibility Buffer</i>                     | <ul style="list-style-type: none"> <li>• 1 tree per 50 lineal feet</li> <li>• 10 shrubs per 30 lineal feet</li> </ul>   | <ul style="list-style-type: none"> <li>• 1 canopy tree per 30 lineal feet</li> </ul>   |
| <i>Incompatibility Buffer</i>                   | <ul style="list-style-type: none"> <li>• 15-ft wide buffer</li> <li>• 1 tree per 35 lineal feet</li> <li>• 10 shrubs per 30 lineal feet</li> </ul>                          | <ul style="list-style-type: none"> <li>• 30-ft wide buffer</li> <li>• 1 canopy tree per 25 lineal feet</li> </ul>  |
| <i>Screening</i>                                | <ul style="list-style-type: none"> <li>• 6-ft tall masonry screening wall</li> <li>• Slip-form walls are prohibited</li> </ul>  | <ul style="list-style-type: none"> <li>• 6-ft masonry wall (pre-cast) with hand laid masonry columns every 40 feet</li> </ul>  |
| <i>Detention</i>                                | <ul style="list-style-type: none"> <li>• Open detention is not allowed in the front yard</li> </ul>   | <ul style="list-style-type: none"> <li>• Allow open detention in the front yard with the following landscaping:</li> <li>• One canopy tree per 40 linear feet around perimeter</li> <li>• Landscaping around the perimeter of the detention pond equal to 10% of the detention pond surface area within the front yard that consists of decorative grasses and groundcovers</li> </ul> |

Further explanations of the more notable deviations are outlined below:

- **Parking** is significantly reduced from RDC standards. This is due to the fact that residences of the facility will not have their own cars. The applicant has indicated that at capacity during peak hours there will be at least 15 employees. Based on the amount parking provided, this will leave 22 spaces for guest and family members. (Attachment 2 – Parking Standards)
- **Masonry** standards are reduced to allow up to 50 percent cementitious board product on the side and rear elevations except for the side facing PGBT. The reasoning for this is primarily aesthetics. Many of these fiber-cement boards, such as hardie board, carry 30

to 50 year warranties. These are durable products and do not require the same maintenance as wood. (Exhibit F – Concept Elevations)

- **Open detention** will be allowed in the front yard in order to capture water runoff as the site drains toward Miller Road. The need and size of detention will not be finalized until the review of the civil plans has been completed later in the development review process. When needed, the RDC does not allow detention in the front yard. The applicant is proposing that if the detention is located in the front yard, then additional landscaping as noted in the table above will be provided.
- **Screening wall** standards are being modified to allow a different construction method for the required masonry screening wall along the east and south property line adjacent to single family residences. The applicant is proposing to use a precast screening wall system instead of a hand laid masonry wall. In a precast system, the wall panels are formed offsite and delivered to the job site where they slid into place between the columns. Like hand laid masonry walls, precast walls will need to be designed by a structural engineer to ensure the piers for the wall are deep enough to avoid movement from soil contractions and expansions.

## DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that the City Council shall consider the following when making their decision as it pertains to rezoning requests. These criteria are listed below:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

***While there is no error in the zoning, there is a trend of aging that has been documented in the Realize Rowlett 2020 Comprehensive Plan. It is projected in the Comprehensive Plan that 20.3 percent of the Rowlett population will be over 55 in 2015. It has also been noted through the comprehensive planning process that there is not sufficient housing stock appropriate for seniors. This rezoning will address this trend by providing housing options for seniors, particularly those that need additional care.***

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purposes of this code stated in subchapter 77-103, Purpose of this Code;

***This site is in area E-3 Regional Trade area as described one of the 13 opportunity areas identified in the City's Comprehensive Plan, Realize Rowlett 2020 (Attachment 3). When the plan was initially adopted in 2011, it was understood that the City would take an active role in rezoning several of the priority opportunity areas. This was accomplished through the adoption of the Form Based Code (FBC) and subsequent rezoning of Downtown, Signature Gateway, Healthy Living, Woodside Living and The North Shore. It was determined that the remaining eight opportunity areas, including the Regional Trade Area, would be addressed as development opportunities arose.***

***The main way that the City Council has chosen to implement the vision and guiding principles outlined in the comprehensive plan has been through the adoption of the Form Based Code (FBC) and subsequent rezonings to Form Based Districts. This has been deemed the best way to implement the development regulations necessary to ensure efficient development patterns and high quality design elements in these key areas. This process involves master planning a sufficiently sized area to determine the proper location for connection points, open spaces, utilization of natural features, block structures and transitions with existing uses. This master planning process has been used in the adoptions of previous FBC districts such as the North Shore, Woodside Living, Signature Gateway, Healthy Living, and Downtown.***

***The subject property is 3.639 acre in size, and when combined with the adjacent 3.707 acre tract, there is only 7.346 acres of undeveloped contiguous land, which is far less than the 20 acre minimum needed for Form Based zoning district. The 20 acre minimum for a Form Based zoning district is sought in order to master plan a sufficiently sized area to determine the proper location for connection points, open spaces, utilization of natural features, block structures and transitions with existing uses. In this situation, there is simply not enough land to create a feasible form based development. Therefore, the subject property and adjacent property to the west is not suited for a form based code development. As a result, the staff does not advocate for a form based zoning district at this location.***

***While staff believes the subject property is not suited for a Form Based zoning district, the proposed rezoning will need to follow the guiding principles in Realize Rowlett 2020. This development proposal meets the intent of Guiding Principal 3 which is to “Make Rowlett a community that is attractive to people at all stages of their lives” which includes those aging and those in need of living assistance.***

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

***Staff does not anticipate the proposed rezoning to impact negatively the health, safety, morals, or general welfare of the public. If approved, the proposed development will be required to comply with all applicable development standards in the proposed PD as well those standards in the RDC including drainage, traffic, and utility requirements.***

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;

***The proposed rezoning has been reviewed from the standpoint of providing sufficient transportation access and utilities (e.g., water, sanitary sewer, stormwater drainage).***

**Staff has confirmed that both water and sanitary sewer service are available to the subject property.**

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

**It is highly unlikely that the proposed rezoning will have significant adverse impacts on the natural environment. However, whenever a greenfield site is developed some impacts on the natural environment can be expected. These will be mitigated to the extent practical by the regulations on storm water retention/detention, and landscaping ordinances.**

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract;

**An assisted living is considered a low impact use as it relates to traffic and noise. The traffic generation from this use is lower than retail, restaurant, personal service and office uses that would be permitted by right under the current C-2 zoning. In regards to noise, there is little noise generated from an assisted living facility as all activity takes place inside. There may be some that are concerned that the proposed use may have more occurrences of emergency vehicle sirens. However, emergency vehicle sirens are used only when necessary. The development would need to follow the City noise ordinance.**

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification;

**The current C-2 zoning allows a number of retail, personal service and office uses by right. Allowing an assisted living or memory care facility will provide an appropriate low intensity use adjacent to existing single family homes to the east and to the south. The proposed development would provide a buffer from a more intense commercial use near the Miller Road and PGBT intersection.**

8. Whether there is determined to be an excessive proliferation of the use or similar uses;

**As it was noted previously, there is a deficit of senior housing in Rowlett. Senior housing needs can be viewed on a spectrum from the least to the most care intensive. It is important to note these housing choices serve seniors of different abilities and that all are need to provide a full spectrum of care for the aging population. There are not enough housing options for these older adults as they continue to age and cannot live independently. Allowing the proposed use would not be excessive proliferation of the use.**

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract; and;

***The proposed single story development is compatible with surrounding uses and is in scale with other properties in the area. Additionally, the proposed development will also provide a buffer from possibly more intense land uses that are allow by right in C-2 zoning on the property to the west.***

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

***Rowlett is nearly built-out and there is limited land available to meet the demand for senior housing. Additionally, there is a limited amount of land where assisted living is allowed by right.***

In conclusion, staff finds the proposed is use appropriate at this location and is not expected to have an adverse impact on the adjacent residential properties to the east or to the south. The proposed modified standards on screening, landscaping and building material are appropriate for the proposed development. The proposed use addresses an identified need for additional housing options for senior particularly those in need of additional care. It is staff's opinion that the proposal satisfies the relevant Guiding Principles from the Realize Rowlett 2020 Comprehensive Plan and meets the criteria listed in the RDC for a rezoning.

## **PUBLIC NOTICE**

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. On May 27, 2016, a total of 30 notices were mailed to property owners within 200 feet and a total of 39 courtesy notices were mailed to property owners within 500 feet. As of June 29, 2016, Staff has received the following responses:

- 200 ft. notification area: Four in favor, four in opposition and one neutral
- 500 ft. courtesy notification area: Four in favor, three in opposition, and two neutral
- Outside of notification area: Two in favor, eleven in opposition

The return notices whether in favor of or in opposition are primarily concerned with the proposed modified standards for the screening wall and building materials and that approving these modifications would lessen the quality of the development. The majority responses indicated they are in favor of the proposed use as long the modifications to the screening wall and building materials are not approved. The responses are available in Attachment 4 – Returned Public Notices.

Staff published the Legal Notice in the Dallas Morning News on June 2, 2016, and placed a zoning sign on the subject property on June 3, 2016, in accordance with the Rowlett Development Code.

## **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

### **RECOMMENDED ACTION**

Staff recommends approval.

### **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 CHANGE IN ZONING FROM “C-2” GENERAL COMMERCIAL/RETAIL TO “PD” PLANNED DEVELOPMENT FOR REAL PROPERTY CONSISTING OF 3.639+/- ACRES GENERALLY LOCATED SOUTH OF MILLER ROAD AND EAST OF PRESIDENT GEORGE BUSH TURNPIKE AND BEING SITUATED IN THE O.V. LEDBETTER SURVEY, ABSTRACT NO. 790, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED IN EXHIBITS “A” AND “B”, 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 to grant a change in zoning from “C-2” General Commercial/Retail to “C-2” General Commercial/Retail with “PD” Planned Development overlay for real property consisting of 3.639 +/- acres generally located south of Miller Road and east of President George Bush Turnpike and being situated in the O.V. Ledbetter Survey, Abstract No. 790, City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibits “A” and “B”, attached hereto and incorporated herein (hereinafter the “Property”).

**SECTION 2.** That the development standards and regulations are set forth in the following exhibits:

Exhibit C – Statement of Intent and Purpose;  
Exhibit D – Development Standards;

Exhibit E – Zoning Concept Plan; and  
Exhibit F – Concept Elevations;

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.

**SECTION 3.** 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 “C” through “F”, the provisions of the Rowlett Development (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 provisions 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 Rowlett Development Code or other ordinance shall be applied to development and use of the Property.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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 8.** 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 – Zoning Boundary

Exhibit B – Legal Description

Exhibit C – Statement of Intent and Purpose

Exhibit D – Development Standards

Exhibit E – Concept Plan

Exhibit F – Concept Elevations

Attachment 1 – Location Map

Attachment 2 – Parking Standards

Attachment 3 – E-3 Regional Trade

Attachment 4 – Public Responses

**Exhibit "A" – Legal Description**

BEING situated in the O.V. Ledbetter Survey, Abstract Number 790, Dallas County, Texas and being a portion of that certain tract of land described by deed to Carlou Properties, LP recorded in County Clerk's File Number 20070199229, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

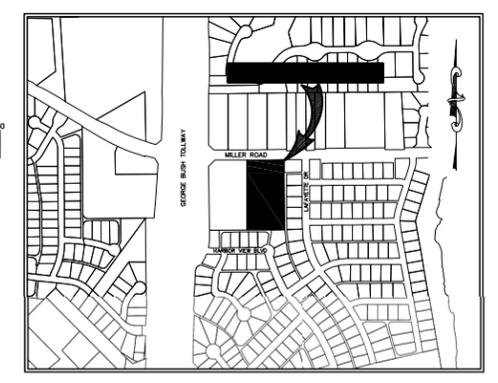
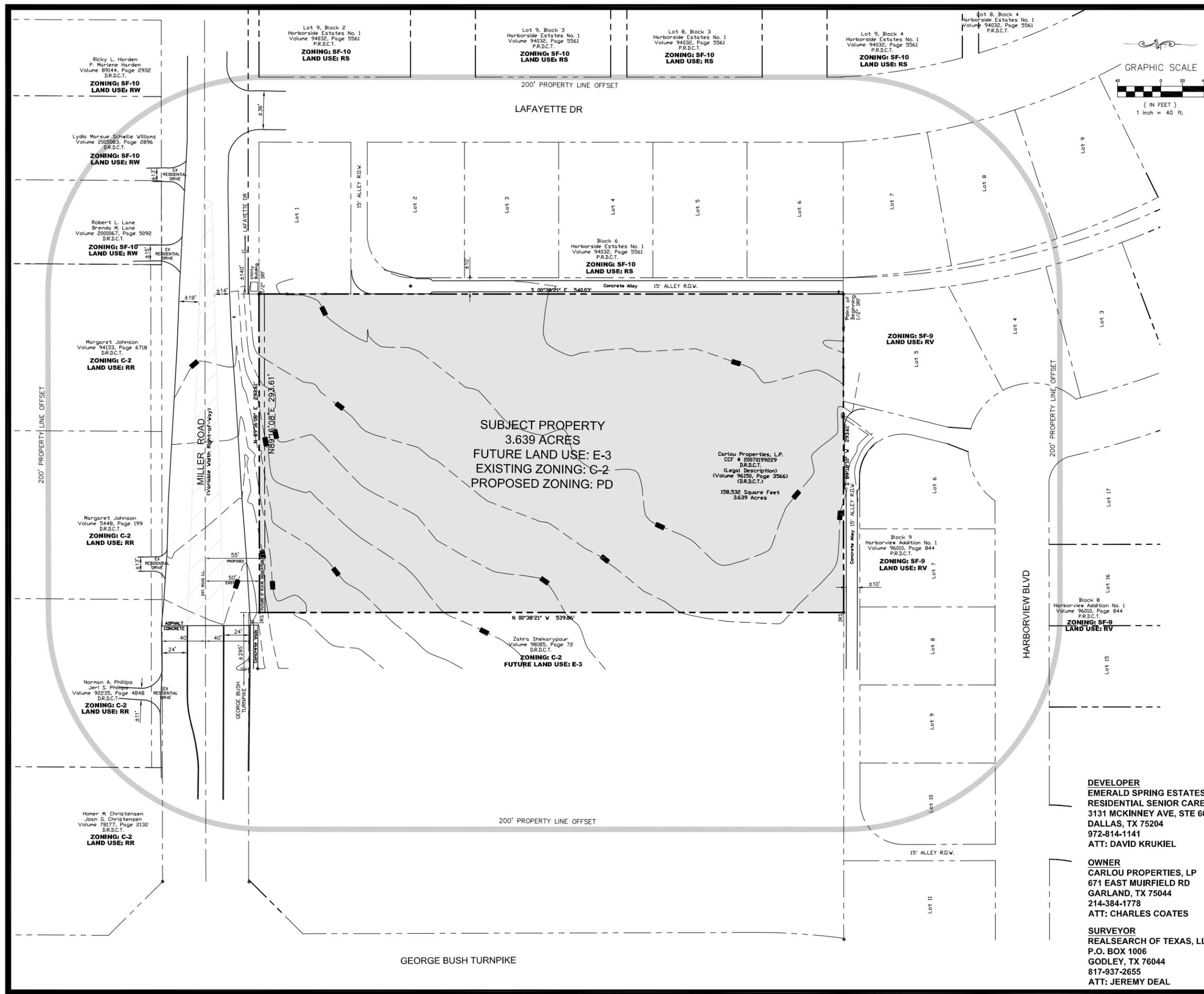
BEGINNING at a 1/2 inch iron rod found at the southeast corner of said Carlou tract, said iron rod also being the northeast corner of Harborview Addition No. 1, an addition to the City of Rowlett recorded in Volume 96010, Page 844, Plat Records, Dallas County, Texas and being in the west line of Harborside Estates No. 1, an addition to the City of Rowlett recorded in 94032, Page 5561, Plat Records, Dallas County, Texas;

THENCE South 89 degrees 18 minutes 10 seconds West, 293.61 feet along the south line of said Carlou tract and the north line of said Harborview Addition to a 5/8 inch iron rod with cap stamped "REALSEARCH" set at the southwest corner of said Carlou tract, said iron rod also being the southeast corner of that certain tract of land described by deed to Zahra Shekarypour recorded in Volume 98185, Page 72, Deed Records, Dallas County, Texas;

THENCE North 00 degrees 38 minutes 21 seconds West, 539.86 feet along the west line of said Carlou tract and the east line of said Shekarypour tract to a 5/8 inch iron rod with cap stamped "REALSEARCH" set;

THENCE North 89 degrees 16 minutes 08 seconds East, 293.61 feet to a 1/2 inch iron rod found in the east line of said Carlou tract, said iron rod being the northwest corner of said Harborside Addition;

THENCE South 00 degrees 38 minutes 21 seconds East, 540.03 feet along the east line of said Carlou tract and the west line of said Harborside Addition to the POINT OF BEGINNING and containing 158,532 square feet or 3.639 acres of land, more or less.



**LEGAL DESCRIPTION**

BEING situated in the O.V. Ledbetter Survey, Abstract Number 790, Dallas County, Texas and being a portion of that certain tract of land described by deed to Carlou Properties, LP recorded in County Clerk's File Number 20070199229, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the southeast corner of said Carlou tract, said iron rod also being the northeast corner of Harborview Addition No. 1, an addition to the City of Rowlett recorded in Volume 96010, Page 844, Plat Records, Dallas County, Texas and being in the west line of Harborside Estates No. 1, an addition to the City of Rowlett recorded in 94032, Page 5561, Plat Records, Dallas County, Texas;

THENCE South 89 degrees 18 minutes 10 seconds West, 295.61 feet along the south line of said Carlou tract and the north line of said Harborview Addition to a 5/8 inch iron rod with cap stamped "REALSEARCH" set at the southwest corner of said Carlou tract, said iron rod also being the southeast corner of that certain tract of land described by deed to Zahra Shekarypour recorded in Volume 98185, Page 72, Deed Records, Dallas County, Texas;

THENCE North 00 degrees 38 minutes 21 seconds West, 539.86 feet along the west line of said Carlou tract and the east line of said Shekarypour tract to a 5/8 inch iron rod with cap stamped "REALSEARCH" set;

THENCE North 89 degrees 16 minutes 08 seconds East, 293.61 feet to a 1/2 inch iron rod found in the east line of said Carlou tract, said iron rod being the northwest corner of said Harborside Addition;

THENCE South 00 degrees 38 minutes 21 seconds East, 546.03 feet along the east line of said Carlou tract and the west line of said Harborside Addition to the POINT OF BEGINNING and containing 158,532 square feet or 3.639 acres of land, more or less.

**Surveyor's Certification**

I, Jeremy Luke Deal, Registered Professional Land Surveyor Number 5696, State of Texas, do hereby certify that this sketch was prepared from the public records, and from an actual and accurate survey of the property performed on the ground under my direction and supervision on April 08, 2016. The visible improvements are as shown hereon. Except as shown hereon, there are no apparent encroachments onto the property or apparent protrusions therefrom. This sketch and the survey on which it is based embrace the same property described in Fidelity National Title Insurance Company's Commitment for Title Insurance GF No. LT-19155-1901551600100-CF, Effective Date: March 20, 2016, Issued: March 30, 2016. I did not abstract the title to this property, nor did I search the public records for encumbrances, adverse claims, or other encumbrances that might affect this property.

Executed this the 11th day of April, in the year of our Lord 2016.

*Jeremy Luke Deal*  
 Jeremy Luke Deal  
 Registered Professional Land Surveyor  
 Texas Registration No. 5696

**NOTES:**  
 THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.

**NO 100-YEAR FLOOD PLAIN EXISTS ON THE SITE**

# EXHIBIT "B"

## ZONING EXHIBIT

A 3.369 acre tract of land situated in the O.V. Ledbetter Survey, Abstract Number 790, Dallas County, Texas

| NO. | DATE      | REVISION                 |
|-----|-----------|--------------------------|
|     | 4/26/2016 | CITY ZONING SUBMITTAL #1 |

**EXHIBIT "B" - ZONING EXHIBIT**  
**EMERALD SPRINGS ESTATES**  
 Miller Road - 3.639 Acre Tract  
 Rowlett, Texas

| DESIGN | DRAWN | DATE     | SCALE |
|--------|-------|----------|-------|
|        |       | 04/25/16 |       |

**DEVELOPER**  
 EMERALD SPRING ESTATES  
 RESIDENTIAL SENIOR CARE, LLC  
 3131 MCKINNEY AVE, STE 600  
 DALLAS, TX 75204  
 972-814-1141  
 ATT: DAVID KRUKIEL

**OWNER**  
 CARLOU PROPERTIES, LP  
 671 EAST MUIRFIELD RD  
 GARLAND, TX 75044  
 214-384-1778  
 ATT: CHARLES COATES

**SURVEYOR**  
 REALSEARCH OF TEXAS, LLC  
 P.O. BOX 1006  
 GODLEY, TX 76044  
 817-937-2655  
 ATT: JEREMY DEAL

**Exhibit “C” – Statement of Intent and Purpose**

The intent of the proposed zoning change is to accommodate the development, construction and operation of an Assisted Living and/or Memory Care development for senior citizens. The existing zoning of the site is C2. The site is currently not developed. The proposed zoning change would designate the land as Planned Development.

The proposed zoning change would allow the development and construction of up to 50 beds of assisted living and/or memory care. The base zoning of the PD will be C2, and the uses allowed under the C2 zoning category shall remain.

**Description of Project Use:**

We are more than just assisted living. We provide enriched living to all of our residents. Our philosophy and care-model is based on serving individuals and families looking for intimate and compassionate memory care. With our home-like environment, compassion-care model, and use of adaptive technologies, we are focused on the wellbeing of our residents mind and spirit.

In addition to Assistance with Daily Living, we will provide:

- A home-like environment designed to resemble a high-end, single-family home with a great-room inclusive of an open concept kitchen, living room and dining area, a salon, covered porch, yard and garden.
- Private bedrooms and bathrooms with high-end finishes that include wood-like flooring, granite counters, tile showers, and designer color palettes selected for their calming properties.
- An environment where residents feel at home and are encouraged to interact socially with other residents and caregivers, who will be on site 24 hours a day.
- Registered Nurse and Caregivers specialized in industry leading care-models for those suffering from Alzheimer’s and many other forms of dementia and memory impairment.
- Nutritious and well balanced chef prepared meals, and snacks throughout the day as needed.
- Regularly scheduled activities tailored to our residents needs, including State-of-the-Art multi-sensory therapy to help stimulate and raise alertness levels.
- Controlled and monitored access.
- Regular housekeeping and laundry services.
- Medication assistance.

**With regards to approval criteria in Section 77-805.C:**

1. As the “baby boomer” segment of the US population continues to age at the rate of 4.4 million per year, there is a tremendous need for various senior oriented living concepts. Demographic data determines there is currently a shortfall in the Rowlett area of more than 75 private-pay assisted living memory care specific beds. As the baby boomer population continues to age this shortfall will only grow. As a result, there are currently senior citizens in Rowlett who must make lifestyle changes and are forced to leave the city as a result of lacking supply in this housing sector. Additionally, there are Rowlett families that would prefer to move their loved one into the city for proximity purposes but cannot do so with the lack of supply. The proposed development will address the challenge of this underserved market.
2. The proposed project overall is compatible with the City’s comprehensive plan. While the subject site is within the E-3 “Regional Trade” area as described in the “Realize Rowlett 2020” plan, it is a 3.639 acre parcel, and when combined with the adjacent 3.707 acre parcel, there is only 7.346 acres of undeveloped contiguous land in this specific section of E-3, which is far less than the 20 acre minimum needed for Form Based Zoning. Further, this parcel is directly adjacent to existing single family residential. Accordingly, we feel that the proposed development will be a good buffer between the existing single family residential and any future development that may occur on the property to the west.

The following paragraph is taken from the “Market” description under the “Framework for the Future” section of the “Realize Rowlett 2020” plan.

While the larger Trade Area maintains a solid base of middle and upper-middle class demographics which encompasses a broad diversity of psychographic / lifestyle groups, Rowlett’s demographics reflect an affluent (\$82,415 median household income in the City compared to \$64,157 in the Trade Area) and highly-educated (35% with a college degree in the City, 33% in the Trade Area) population. **Both City and Trade Area residents prefer to “age in place”, as evidenced by projected growth in the 55+ age group. This results in a relatively stable community environment, with residents preferring to move within the community as lifestyle forces dictate.** This stability is further reinforced by a higher than average share of family-oriented households and high homeownership figures, indicating an increased level of “investment” in the community.

As stated above in No. 1, there are currently senior citizens in Rowlett who must make lifestyle changes and are forced to leave the city as a result of lacking supply in this housing sector. Additionally, there are Rowlett families that would prefer to move their loved one into the city for proximity purposes but cannot do so with the lack of supply. The proposed development will address the challenge of this underserved market.

3. The proposed rezoning will undoubtedly enhance the health, safety and general welfare of the public by providing crucial housing services to an underserved segment of the City of Rowlett population.
4. Current feedback and information indicates that the city and other service providers will be able to provide sufficient transportation and utility facilities and services to the development while maintaining sufficient levels of service to the existing community.
5. This proposed rezoning is not likely to have significant adverse impacts on the natural environment. Any impact on the natural environment will be positive through the eventual landscaping that will result from the proposed development on what is now undeveloped land with little to no foliage.
6. The proposed rezoning will not have significant adverse impacts on other property in the vicinity. Existing nearby residential property values will remain unchanged.
7. The subject property is suitable to the existing zoning classification of C2. Furthermore, an assisted living and/or memory care development is equally suitable given its low impact on the surrounding development with relation to traffic, utilities, noise, etc.
8. There being no other assisted living and/or memory care facility within the vicinity of the subject property, and according to demographic data, there does not appear to be an excessive proliferation of the proposed use or similar uses.
9. Because we are adding a low impact use to a higher impact zoning classification, we feel that the future uses on the subject property will be compatible in scale with other uses on other properties in the vicinity. Further, we feel that the proposed development will be a good buffer between the existing single family neighborhood adjacent to the property and any future development to occur on the property to the west of the subject property.
10. As per the City of Rowlett Planning and Zoning Department there is currently minimal tracts of land within the City with the proper zoning for the proposed development, none of which are in the economically relevant area of the subject property. As such, the planned development of the subject property is required before any such project can continue in the economically relevant area.

**Exhibit “D” – Planned Development Standards**

This planned development district shall follow all standards of the C2 Zoning District and the Rowlett Development Code unless specifically listed otherwise below. Exhibits “D”, “E” and “F” only apply to assisted living and/or memory care.

Additional Uses Permitted:

- Besides the permitted uses allowed in the C2 zoning district, the only additional permitted use shall be assisted living and/or memory care.
- Accessory structures for an assisted living and/or memory care use shall be permitted provided they comply with the same architectural standards as the primary building and do not encroach into any required landscape buffers.

Dimensional Standards for assisted living and/or memory care:

- Front Setback – 50 foot minimum (detention shall be allowed in the front yard and front yard setback).
- Side Setback – East: 50 foot minimum / West: 0 foot minimum (6 foot compatibility buffer applies).
- Rear Setback – 50 foot minimum.
- Building Height – 1 story, maximum 40’ measured to the ridge.
- Lot Coverage – No maximum.
- Impervious Surface Area – No maximum.
- Pervious Surface Area – No minimum.
- Density – Maximum of 50 beds (single and double occupancy bedrooms shall be allowed).
- Total combined building square footage shall not exceed 25,000.
- The buildings shall be oriented as per Exhibit “E”.

NOTE: The attached Exhibit “E” assumes the buildings accommodate up to 25 residents each. The building footprint is allowed minor modifications to be approved by staff after zoning approval so long as the maximum square footage above is not exceeded and all above setbacks and buffers are adhered to.

Landscaping Standards for assisted living and/or memory care:

Landscaping for assisted living and/or memory care shall follow the Rowlett Development Code unless otherwise stated below:

- A 20 foot Right-of-Way buffer shall be along Miller Road and shall include:
  - No fence required.
  - One canopy tree per 35 lineal feet.
  - Ten evergreen shrubs per 30 lineal feet of property with a minimum height of 24 inches at time of installation and shall obtain a minimum height of 36 inches within two years of planting.
- A 30 foot incompatibility buffer shall be on the east property line and shall include:
  - A 6 foot tall masonry wall per the Rowlett Development Code or a 6 foot tall precast concrete fence with brick pattern installed anywhere within the incompatibility buffer in a straight line following the same general configuration of the property boundaries. Where adjacent to existing wood fences the masonry wall or precast concrete fence can deviate from following the general configuration of the property boundaries to maintain a distance of no less than 20 feet from the existing wood fence. 26” X 26” brick columns and/or pilasters constructed of the same brick that is on the building elevations shall be installed a minimum of 40’ on center (no other column and/or pilaster requirements apply). Precast concrete fencing piers shall be designed based on site soil conditions, which shall be determined by an analysis of no less than three geotechnical borings. The design shall be signed and sealed by a professional structural engineer licensed to practice in the State of Texas. Public visibility requirements do not apply.

- One canopy tree per 25 lineal feet. Canopy trees shall be a minimum of 20 feet away from existing wood fencing. For purposes of this section, the following trees, if they meet the standard requirements for Ornamental Trees as defined in the Rowlett Development Code, shall count one-for-one as a canopy tree and do not require clustering: Little Gem Magnolia, Eastern Red Cedar, Blue Point and Wichita Blue Junipers.
- Ten evergreen shrubs per 30 lineal feet of building with a minimum height of 24 inches at time of installation and shall obtain a minimum height of 36 inches within two years of planting. The plantings required under this section shall be planted in the incompatibility buffer between the property line and the building. Evergreen shrubs along the entire property line are not be required.
- A 30 foot incompatibility buffer shall be on the south property line and shall include:
  - A 6 foot masonry wall per the Rowlett Development Code or a 6 foot tall precast concrete fence with brick pattern installed anywhere within the incompatibility buffer in a straight line following the same general configuration of the property boundaries. Where adjacent to existing wood fences the masonry wall or precast concrete fence can deviate from following the general configuration of the property boundaries to maintain a distance of no less than 20 feet from the existing wood fence. 26" X 26" brick columns and/or pilasters constructed of the same brick that is on the building elevations shall be installed a minimum of 40' on center (no other column and/or pilaster requirements apply). Precast concrete fencing piers shall be designed based on site soil conditions, which shall be determined by an analysis of no less than three geotechnical borings. The design shall be signed and sealed by a professional structural engineer licensed to practice in the State of Texas. Public visibility requirements do not apply.
  - One canopy tree per 25 lineal feet. Canopy trees shall be a minimum of 20 feet away from existing wood fencing. For purposes of this section, the following trees, if they meet the standard requirements for Ornamental Trees as defined in the Rowlett Development Code, shall count one-for-one as a canopy tree and do not require clustering: Little Gem Magnolia, Eastern Red Cedar, Blue Point and Wichita Blue Juniper.
  - No evergreen shrubs shall be required.
- A 6 foot compatibility buffer shall be on the west property line and shall include:
  - No fencing shall be required, but cedar fencing shall be allowed.
  - One canopy tree per 30 lineal feet.
  - No evergreen shrubs shall be required.
- Detention shall be allowed in the front yard and front yard setback. Detention in the front yard and front yard setback must include the following:
  - One canopy tree per 40 lineal feet of detention pond perimeter lineal footage within the front yard.
  - Landscaping around the perimeter of the detention pond equal to 10% of the detention pond surface area within the front yard that consists of decorative grasses and groundcovers.
  - Full sodding and irrigation of the detention pond.
    - The above does not preclude detention from being fully outside the front yard. In the event that detention can be accommodated outside the front yard, the above provisions do not apply.
- Parking lot landscaping shall include:
  - 5% of the parking lot area shall be landscaped.
- Dumpster and trash compactor screening:
  - Dumpsters shall be enclosed on three sides with a six-foot masonry wall that matches the building façade materials and a solid double cedar gate with metal framing shall be required on the fourth side, and shall be kept closed at all times other than for immediate access.
- Open Space and Common Area requirements do not apply.
- Maintenance and Irrigation:
  - On the south side of the property between paving and/or buildings and the south property line, except for the Incompatibility Buffer and 15 feet beyond the paving, shall be allowed to be left in a natural vegetative state and shall not require irrigation.
- Grass and/or Sod shall be of a Bermuda type.

Parking Standards for assisted living and/or memory care:

Off-street parking and loading for assisted living and/or memory care shall follow the Rowlett Development Code unless otherwise stated below:

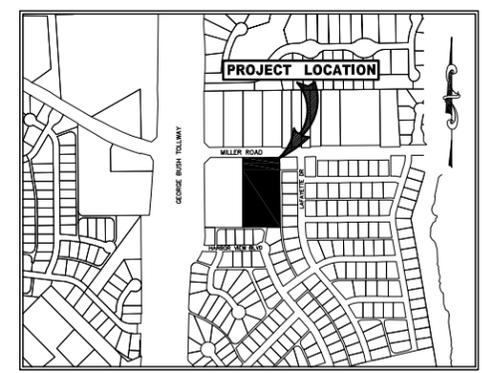
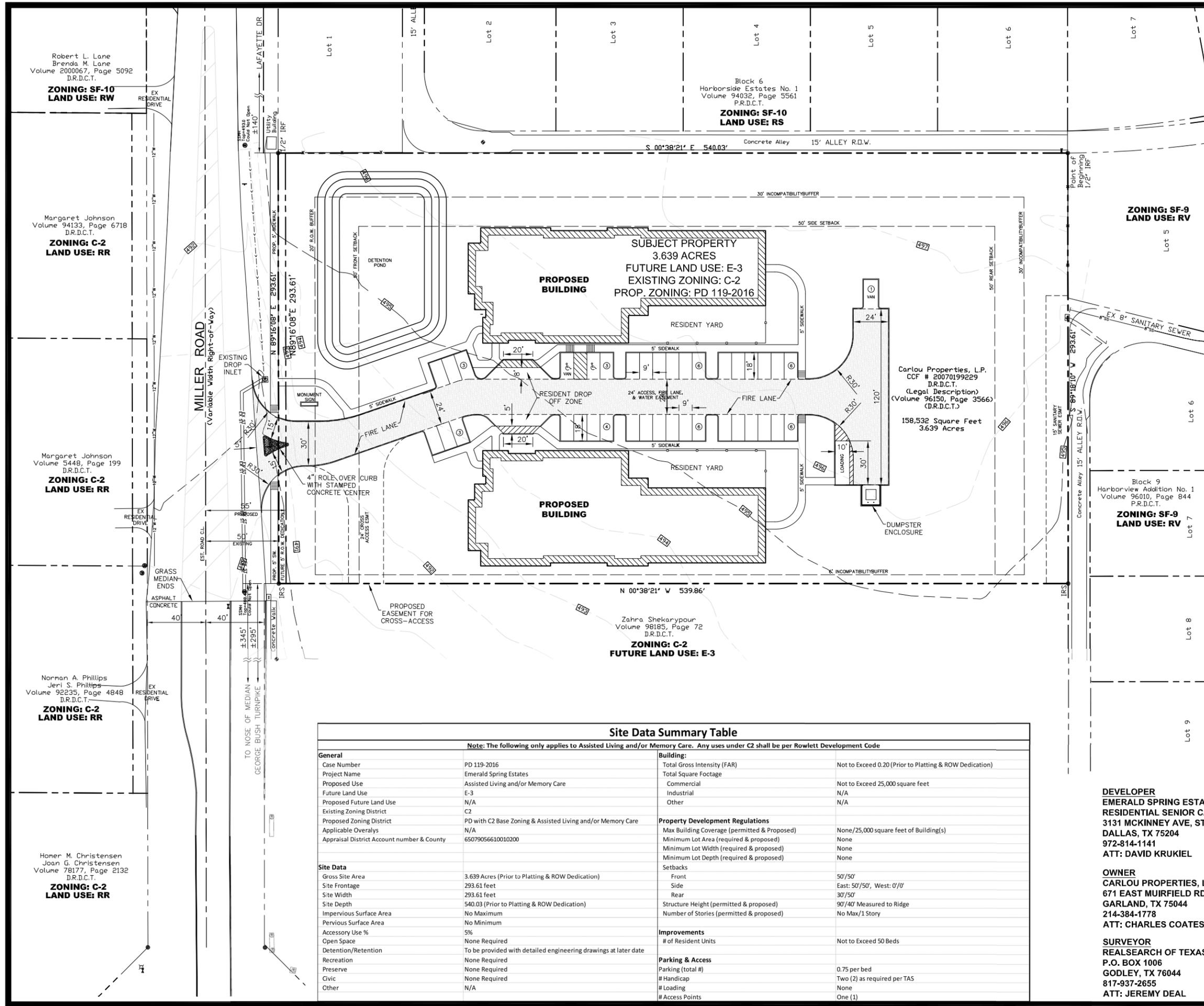
- Off-street Parking:
  - Parking shall be 1.5 spaces for every two beds or bedrooms, whichever is greater.
- Off-street Loading:
  - Off-street loading shall be required and is allowed (size and location) as shown on Exhibit “E”.
  - Off-street loading does not require screening.

Architectural Standards for assisted living and/or memory care:

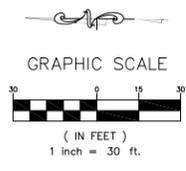
Architectural standards for assisted living and/or memory care shall follow the Rowlett Development Code unless otherwise stated below:

- Building Orientation:
  - The buildings shall be oriented as per Exhibit “E”.
- Roofs:
  - A pitched roof with dimensional 30 year shingles shall be allowed.
- Building Materials:
  - Front yard facing building elevations and the west side elevation of the western most building shall be 100 percent masonry construction, exclusive of roofs, dormers, roof vent screening, soffits/fascia, doors, and windows.
  - Side and rear yard facing elevations, with the exception of the west side elevation of the western most building, shall be a minimum of be 50 percent masonry construction, exclusive of roofs, dormers, roof vent screening, soffits/fascia, doors, and windows. Non-masonry materials, exclusive of roofs, roof vent screening, soffits/fascia, doors, and windows, shall be limited to horizontal cementitious siding.
  - A minimum of 20 percent of the front yard facing elevation masonry shall incorporate accent bricks or stones. If accent bricks or stones are used to accent windows, doorways, porticos, porte cocheres, canopies, awnings, or support structures, such application shall only satisfy a maximum of one-half of the required 20 percent per elevation. As the term is used in this subsection, an "accent brick or stone" is one that provides a contrast by color of the natural material or stucco, shape, size, and/or texture to the field or primary bricks or stones in an elevation. Side and rear yard facing elevations, with the exception of the west side elevation of the western most building, do not require accent brick or stones.

See Exhibit “F” for concept elevations. The concept elevations are allowed to be modified and approved by staff after zoning approval so long as the above minimum masonry requirements are met and the overall concept of the design does not change.



VICINITY MAP  
(NOT TO SCALE)



- NOTES:**
1. THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.
  2. NO 100-YEAR FLOOD PLAIN EXISTS ON THE SITE
  3. 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 ADJUSTMENTS (BOA).
  4. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITH THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
  5. THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH 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 AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

# EXHIBIT "E" ZONING CONCEPT PLAN

A 3.639 acre tract of land situated in the O.V. Ledbetter Survey, Abstract Number 790, Dallas County, Texas

**DEVELOPER**  
EMERALD SPRING ESTATES  
RESIDENTIAL SENIOR CARE, LLC  
3131 MCKINNEY AVE, STE 600  
DALLAS, TX 75204  
972-814-1141  
ATT: DAVID KRUKIEL

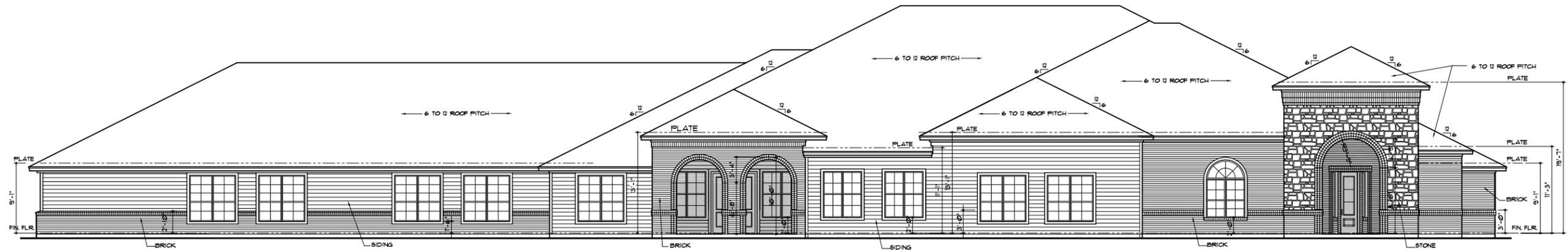
**OWNER**  
CARLOU PROPERTIES, LP  
671 EAST MUIRFIELD RD  
GARLAND, TX 75044  
214-384-1778  
ATT: CHARLES COATES

**SURVEYOR**  
REALSEARCH OF TEXAS, LLC  
P.O. BOX 1006  
GODLEY, TX 76044  
817-937-2655  
ATT: JEREMY DEAL

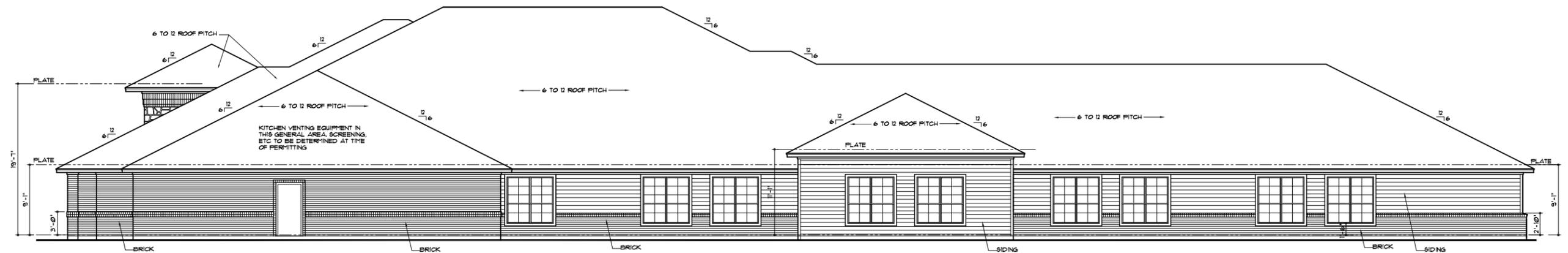
| Site Data Summary Table   |   |  |   |
|---|---|--|---|
| Note: The following only applies to Assisted Living and/or Memory Care. Any uses under C2 shall be per Rowlett Development Code |   |  |   |
| <b>General</b>  |   | <b>Building:</b>                             |   |
| Case Number   | PD 119-2016   | Total Gross Intensity (FAR)                  | Not to Exceed 0.20 (Prior to Platting & ROW Dedication) |
| Project Name  | Emerald Spring Estates  | Total Square Footage                         |   |
| Proposed Use  | Assisted Living and/or Memory Care                              | Commercial                                   | Not to Exceed 25,000 square feet                        |
| Future Land Use   | E-3   | Industrial                                   | N/A   |
| Proposed Future Land Use  | N/A   | Other  | N/A   |
| Existing Zoning District  | C2  | <b>Property Development Regulations</b>      |   |
| Proposed Zoning District  | PD with C2 Base Zoning & Assisted Living and/or Memory Care     | Max Building Coverage (permitted & Proposed) | None/25,000 square feet of Building(s)                  |
| Applicable Overlays   | N/A   | Minimum Lot Area (required & proposed)       | None  |
| Appraisal District Account number & County  | 65079056610010200   | Minimum Lot Width (required & proposed)      | None  |
|   |   | Minimum Lot Depth (required & proposed)      | None  |
| <b>Site Data</b>  |   | <b>Setbacks</b>                              |   |
| Gross Site Area   | 3.639 Acres (Prior to Platting & ROW Dedication)                | Front  | 50'/50'   |
| Site Frontage   | 293.61 feet   | Side   | East: 50'/50', West: 0'/0'                              |
| Site Width  | 293.61 feet   | Rear   | 30'/50'   |
| Site Depth  | 540.03 (Prior to Platting & ROW Dedication)                     | Structure Height (permitted & proposed)      | 90'/40' Measured to Ridge                               |
| Impervious Surface Area   | No Maximum  | Number of Stories (permitted & proposed)     | No Max/1 Story  |
| Pervious Surface Area   | No Minimum  | <b>Improvements</b>                          |   |
| Accessory Use %   | 5%  | # of Resident Units                          | Not to Exceed 50 Beds                                   |
| Open Space  | None Required   | <b>Parking &amp; Access</b>                  |   |
| Detention/Retention   | To be provided with detailed engineering drawings at later date | Parking (total #)                            | 0.75 per bed  |
| Recreation  | None Required   | # Handicap                                   | Two (2) as required per TAS                             |
| Preserve  | None Required   | # Loading                                    | None  |
| Civic   | None Required   | # Access Points                              | One (1)   |
| Other   | N/A   |  |   |

| NO. | DATE      | REVISION                 |
|-----|-----------|--------------------------|
|     | 4/26/2016 | CITY ZONING SUBMITTAL #1 |
|     | 5/13/2016 | CITY ZONING SUBMITTAL #2 |
|     | 6/06/2016 | CITY ZONING SUBMITTAL #3 |

| ZONING CONCEPT PLAN            |       |          |       |
|--------------------------------|-------|----------|-------|
| EMERALD SPRINGS ESTATES        |       |          |       |
| Miller Road - 3.639 Acre Tract |       |          |       |
| Rowlett, Texas                 |       |          |       |
| DESIGN                         | DRAWN | DATE     | SCALE |
|                                |       | 06/06/16 |       |



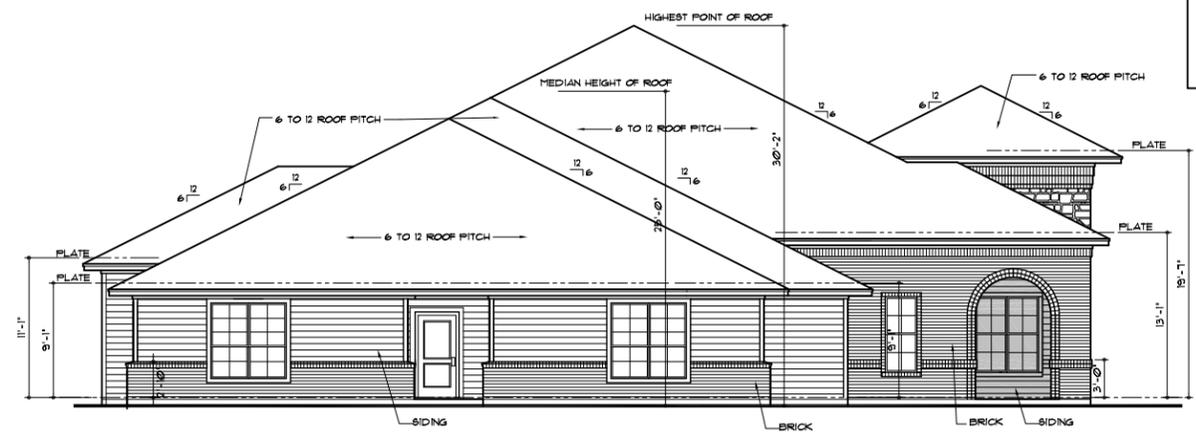
4 SIDE ELEVATION



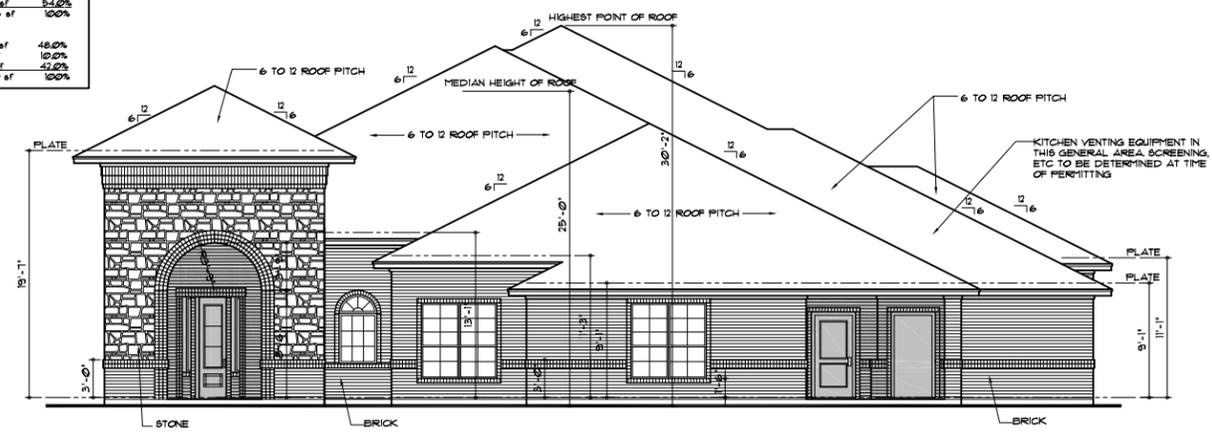
3 SIDE ELEVATION  
NON-FGBT FACING

**FACADE MATERIAL CALCULATIONS**

| ELEVATION   | Material | Area (sf) | Percentage |
|-------------|----------|-----------|------------|
| ELEVATION 1 | SIDING   | 0         | 0.0%       |
|             | STONE    | 151       | 22.0%      |
|             | BRICK    | 538       | 78.0%      |
|             | TOTAL    | 689       | 100%       |
| ELEVATION 2 | SIDING   | 352       | 50.0%      |
|             | STONE    | 155       | 8.0%       |
|             | BRICK    | 281       | 42.0%      |
|             | TOTAL    | 788       | 100%       |
| ELEVATION 3 | SIDING   | 575       | 45.0%      |
|             | STONE    | 16        | 1.0%       |
|             | BRICK    | 688       | 54.0%      |
|             | TOTAL    | 1279      | 100%       |
| ELEVATION 4 | SIDING   | 708       | 48.0%      |
|             | STONE    | 151       | 10.0%      |
|             | BRICK    | 621       | 42.0%      |
|             | TOTAL    | 1480      | 100%       |

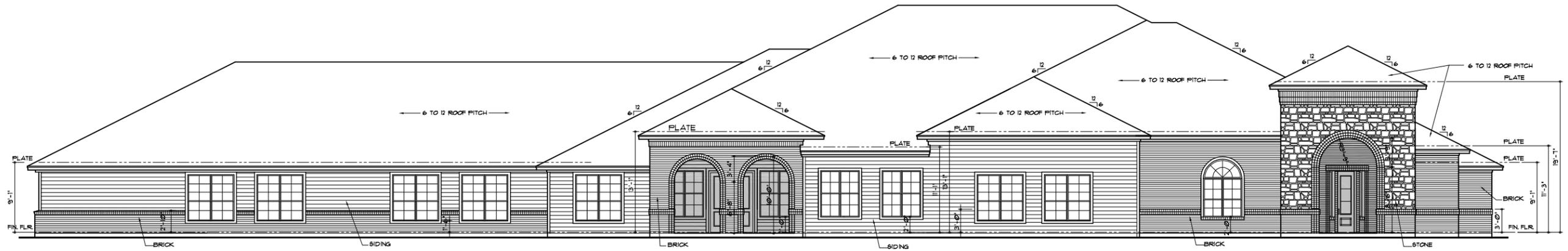


2 REAR ELEVATION

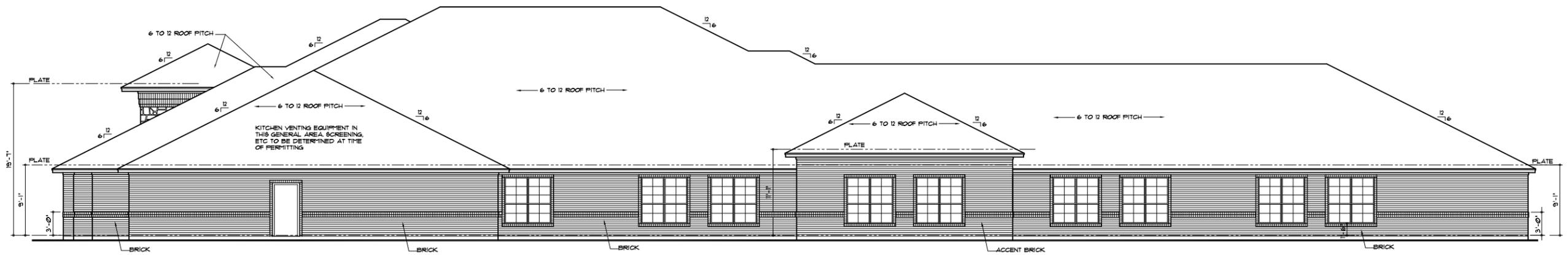


1 FRONT ELEVATION

**EMERALD SPRING ESTATES**  
CONCEPT ELEVATIONS  
EXHIBIT "F"  
East Building



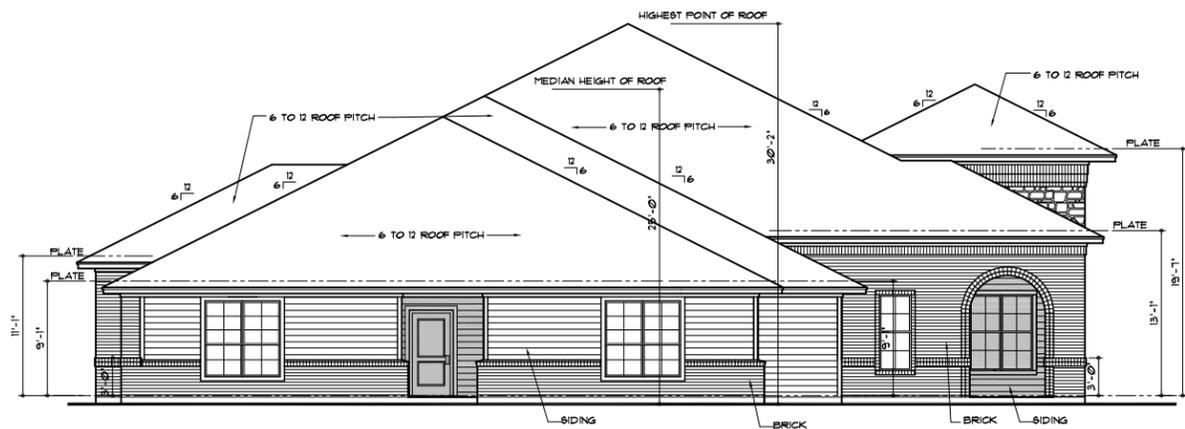
4 SIDE ELEVATION



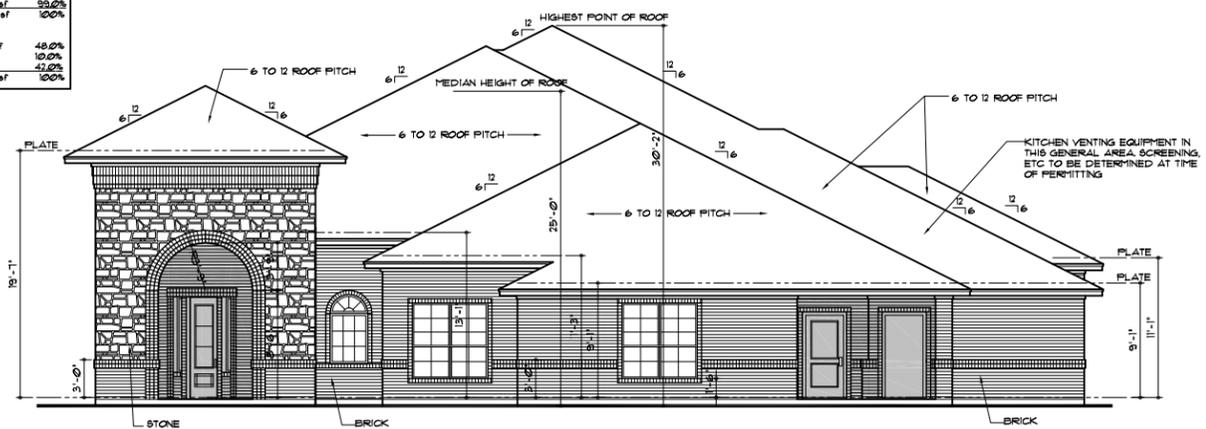
3 SIDE ELEVATION  
PG&T FACING

**FACADE MATERIAL CALCULATIONS**

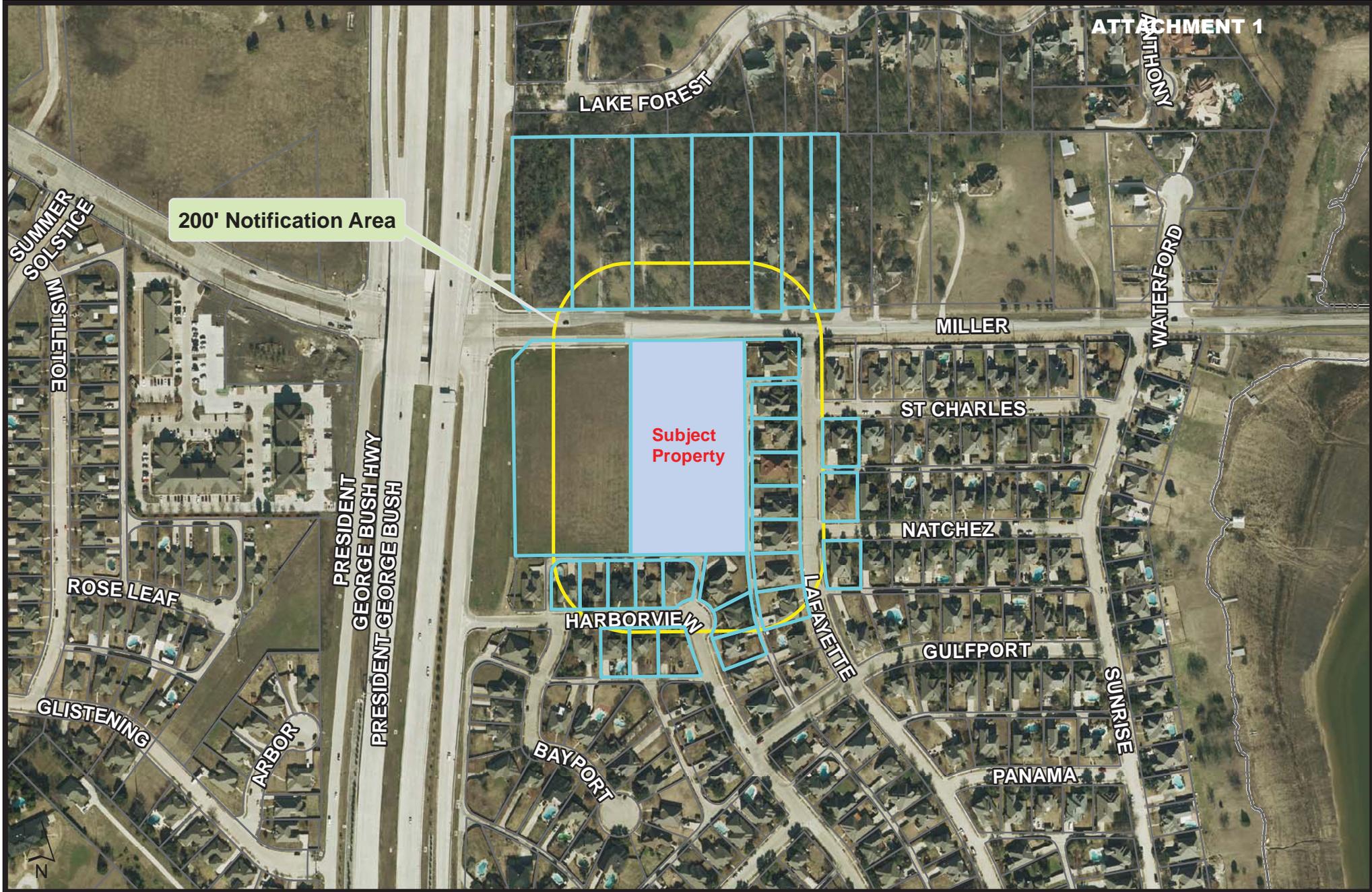
| ELEVATION                 | Material     | Area (sf)   | Percentage  |
|---------------------------|--------------|-------------|-------------|
| ELEVATION 1               | SIDING       | 0           | 0.0%        |
|                           | STONE        | 151         | 22.0%       |
|                           | BRICK        | 538         | 78.0%       |
|                           | <b>TOTAL</b> | <b>689</b>  | <b>100%</b> |
| ELEVATION 2               | SIDING       | 284         | 4.0%        |
|                           | STONE        | 39          | 0.5%        |
|                           | BRICK        | 362         | 5.0%        |
|                           | <b>TOTAL</b> | <b>705</b>  | <b>100%</b> |
| ELEVATION 3 - PG&T FACING | SIDING       | 0           | 0.0%        |
|                           | STONE        | 16          | 1.0%        |
|                           | BRICK        | 1260        | 99.0%       |
|                           | <b>TOTAL</b> | <b>1276</b> | <b>100%</b> |
| ELEVATION 4               | SIDING       | 700         | 48.0%       |
|                           | STONE        | 151         | 10.0%       |
|                           | BRICK        | 621         | 42.0%       |
|                           | <b>TOTAL</b> | <b>1480</b> | <b>100%</b> |



2 REAR ELEVATION



1 FRONT ELEVATION



200' Notification Area

Subject Property



4906 MILLER RD  
PLANNED DEVELOPMENT  
Map Created: May 26, 2016

200 FT NOTICE LOCATION MAP

**Misc. – Parking Statistics**

The applicant has included in this application parking and loading requirements that deviate from the city standards for similar uses (requesting 1.5 spaces per every two beds, or .75 spaces per bed). Below is a summary of parking required/provided for three similar existing assisted living and/or memory care developments in North Texas. As you will see, the parking is very similar to or less than that being requested in this application. None of these developments have had any issues with the provided parking, even at peak times. Peak times are between 7AM and 4PM when the resident-to-caregiver ratio is at its highest of 3.5 caregivers to every resident. At this ratio the maximum parking utilized by staff with a maximum density of 50 beds/residents is 15. It is important to note that the residents of the proposed assisted living and/or memory care development do not drive and are not allowed to have cars at the facility. Accordingly, assuming 15 parking spaces for staff, there is a balance of 22 spaces available for guests of residents.

**Rufe Snow Drive, Keller, TX – 2015**

|   |           |
|---|-----------|
| Number of Beds                          | 56        |
| <b>Required Parking</b>                 |           |
| 1 Space / 5 Beds                        | 12        |
| 1 Space / Usable Outdoor Area (porches) | 3         |
| <b>Total Required</b>                   | <b>15</b> |
| <b>Parking Provided</b>                 |           |
| Per Bed                                 | 0.36      |

**Marsh Lane, Carrollton, TX – 2014/2015**

|                         |           |
|-------------------------|-----------|
| Number of Beds          | 50        |
| <b>Required Parking</b> |           |
| 1 Space / 2 Beds        | 25        |
| <b>Total Required</b>   | <b>15</b> |
| <b>Parking Provided</b> |           |
| Per Bed                 | 0.54      |

**Colonel Drive, Garland, TX – 2013/2014**

|  |           |
|--|-----------|
| Number of Bedrooms/Beds                  | 16/28     |
| <b>Required Parking</b>                  |           |
| 1 Space / 3 Bedrooms (not beds)          | 6         |
| 1 Space / Day Time Staff                 | 4         |
| 1 Space / 20 Rooms (not beds) for Guests | 1         |
| <b>Total Required</b>                    | <b>11</b> |
| <b>Parking Provided</b>                  |           |
| Per Bedroom/Bed                          | 0.69/0.39 |

For comparison purposes, the following is what the Off-street Parking requirements would be if required per the RDC:

- One space for every two beds or bedrooms, whichever is greater.
  - 50 beds / 2 = **25 Spaces**
- One space for every 100 square feet of assembly area.

## **ATTACHMENT 2**

Dining Area: 781 SF X 2 Buildings = 1,562 SF  
Living Area: 1,247 SF X 2 Buildings = 2,494 SF  
Sitting Area: 535 SF X 2 Buildings = 1,070 SF  
○ 5,126 SF / 100 = **52 Spaces**

**22 Spaces + 52 Spaces = 77 Spaces**

## **REGIONAL TRADE | AREA E-3**



**DEVELOPABLE ACRES: \*      107**

### **PRODUCT TYPES:**

- Highway Commercial
- Class B Office
- Flex Office
- Limited-Service Hotels

### **SUPPORTABLE PSYCHOGRAPHICS**

- American Dreams
- Multi-Culti Mosaic

*\* Net floodplain and parcels less likely to redevelop in the near-term (five to 10 years).*

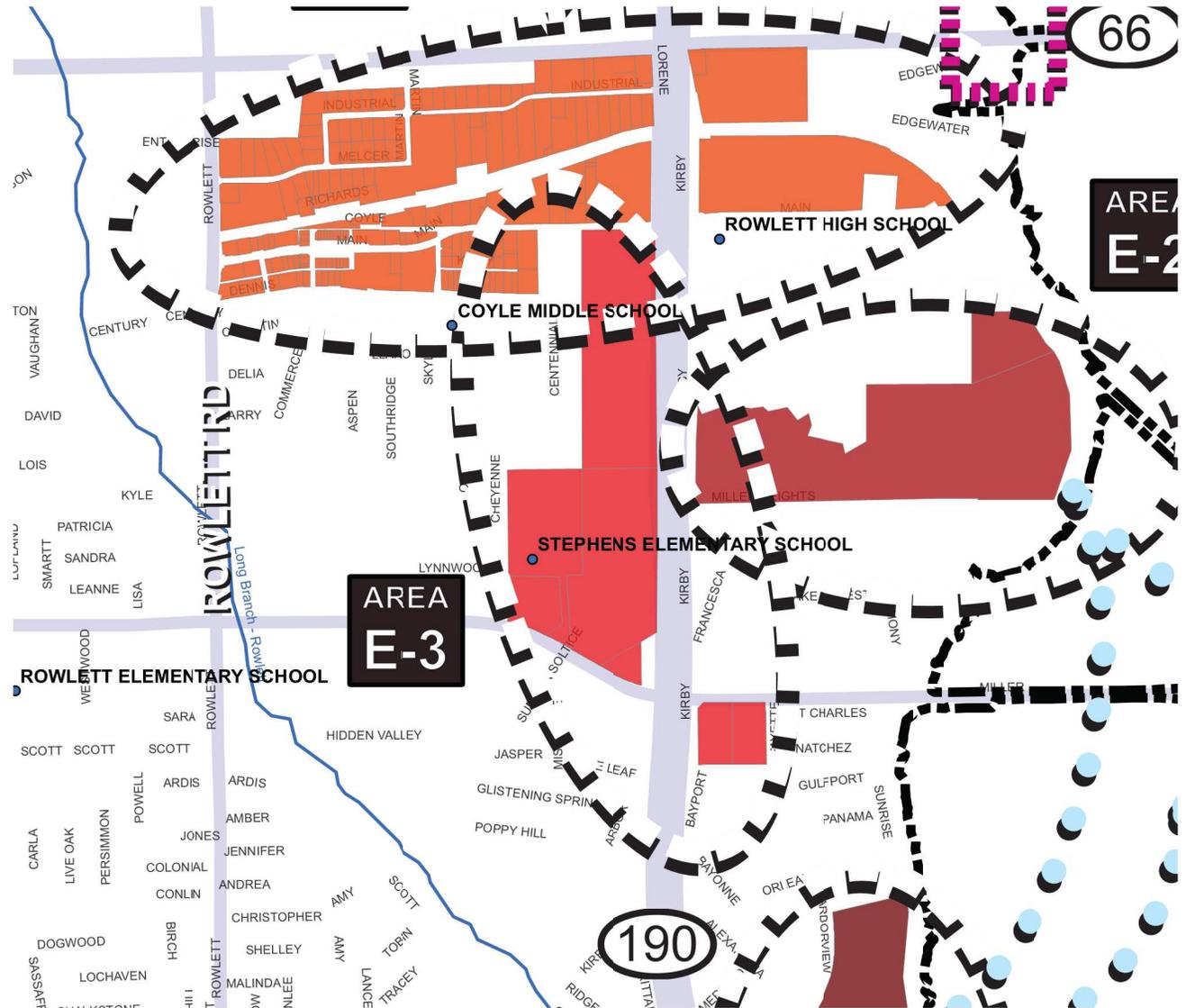
### **VISION**

Regional Trade will be the City's most obvious location for region-serving commercial uses, in-line commercial and professional space users, and moderate scale "Class B" office buildings. With its visibility and access from PGBT, the Regional Trade subarea will likely attract large format retailers ranging in size from 25K to 100K+ square feet. This subarea provides a location in Rowlett for these uses, which are not appropriate in the Northshore, Center for Commerce and Industry, and Business Beltway subareas. To this end, the City will need to prepare for the potential loss of existing commercial operators on Lakeview Parkway to sites located adjacent to the PGBT. In the long-term these uses may be replaced by mixed-use products that outgrow their location within Old Town.

Essential elements that will have to be in place in order for this investment scenario to be realized include: well-signed and visible access points from PGBT; connections to area activity centers; and, sites "readied" for development and devoid of physical challenges.

**MARKET**

- Leveraging the renaissance of existing commercial corridors within the community combined with the introduction of tollway frontage, large-scale commercial uses will likely migrate to this location.
- Parcels in this subarea will be well-positioned to capture a fair share of the Trade Area’s growth – 9.6+ million square feet of office space in the Trade Area, 14.3 million square feet of industrial space in the Trade Area, and 2.5 million square feet of commercial retail space in the Trade Area.



## REGIONAL TRADE | AREA E-3

### GUIDING PRINCIPLES



|    | GUIDING PRINCIPLE   | E-3<br>REGIONAL<br>TRADE |
|----|---|--------------------------|
| 1  | Value existing neighborhoods  |                          |
| 2  | Grow the City's economy through diversification of job and business opportunities                         | **                       |
| 3  | Make Rowlett a community that is attractive to people at all stages of their lives                        |                          |
| 4  | Invest in places of lasting value and distinctive character   |                          |
| 5  | Maximize the benefits of major public infrastructure investments (existing, planned)                      | ***                      |
| 6  | Use Lake Ray Hubbard and Rowlett's natural assets to create a distinctive identity...                     |                          |
| 7  | Diversify mobility options within the City and connect activity areas                                     | *                        |
| 8  | Create centers with a mix of activities at key locations in Rowlett                                       |                          |
| 9  | Balance growth through efficient development patterns   | **                       |
| 10 | Support quality educational resources to meet the needs of Rowlett residents...                           |                          |
| 11 | Position Rowlett for an appropriate scale of investment and reinvestment...                               | ***                      |
| 12 | <b>Fund public investment that leverages desired private investment</b>                                   |                          |
| 13 | <b>Ensure that <i>Realize Rowlett 2020</i> is a statement of the City's policy for future...</b>          |                          |
|    | <i>Bold principles relate to citywide concerns and are not specific to any individual geographic area</i> |                          |
|    | <i>Key:</i>   |                          |
|    | <i>Strongest Support of Principle</i>   | ****                     |
|    | <i>Moderate Support of Principle</i>  | ***                      |
|    | <i>Some Support of Principle</i>  | **                       |
|    | <i>Incidental Support of Principle</i>  | *                        |

## IMPLICATIONS

|                |  |
|----------------|--|
| Physical       | Mix of developed and undeveloped commercial and remnant sites.   |
|                | Valuable visibility to and from PGBT.  |
|                | Opportunities to support larger format commercial and office development.  |
|                | Slope (terrain) issues will impact the size of commercial footprints that can feasibly locate here.  |
|                | Existing floodplain and gas line divide the property and will create development challenges.   |
| Infrastructure | Infrastructure / utilities to support this vision generally exist in the area.   |
|                | A utility corridor east of PGBT may be a barrier for some types of development products in the near-term (mixed-use).  |
| Access         | New access is being provided by PGBT and associated frontage roads.  |
|                | Exit and entrance ramps on the northbound side will serve the site well, however, roads into the area will need to be carefully located to maximize access opportunities.  |
|                | Access from northbound PGBT is adequate.   |
|                | A rubber-tired or fixed trolley could connect the area to the DART station in Old Town.  |
| Market         | The area's adjacency to existing industrial and other business uses, along with its proximity to both DART and adjacency to PGBT will influence the uses that develop here.  |
|                | As the City strategically precludes large format retail in other subareas including Northshore, Center for Commerce and Industry and Business Beltway, those uses will likely migrate to Regional Trade.   |
|                | In addition to new uses, the City should prepare for the loss of some existing retailers currently located on SH 66 (Lakeview Parkway) to this area given its enhanced visibility - leaving the City with redevelopment challenges on this principle east-west corridor. |
| Financial      | Tax Increment Financing (TIF) or Municipal Management District (MMD) revenues should be used to assist with preparing this area for new investment including assisting with siting viable businesses - commercial retail and office.                                     |
| Regulatory     | Current zoning in the area will accommodate the envisioned uses.   |
|                | With a new wave of large retailers in this area, the City will need to develop policies that protect itself against the ultimate demise or reconfiguration of uses from the Lakeview Parkway corridor.   |
| Organizational | The City should encourage regional retail opportunities in this location, largely in an effort to capitalize on its tax revenues, but all also to prevent the stripping out of other commercial locations in the City.   |
|                | Whereas the City will play a more significant role in other locations in order to advance the vision, the market will take care of this area.  |

## REGIONAL TRADE | AREA E-3

### IMPLEMENTATION

| IMPLEMENTATION STRATEGIES (ACTIONS)  | TIMING  |
|--|---|
| <i>The specific strategy (action) to be taken</i>  | <i>Priority, short, medium, long-term, future or on-going</i> |
| Market and promote the area as a destination for large format commercial retailers and modest office development.  | Short - to Mid-Term   |
| Prepare an urban design framework that identifies locations and design concepts for district gateways, nodes and streetscape for the area, and the commercial areas of the PGBT corridor.                        | Short - to Mid-Term   |
| Prepare design guidelines that control quality / consistency of development.   | Mid-Term  |
| Complete transit connections between this area and Old Town through a shuttle or trolley system.   | Mid-Term  |
| Negotiate access rights with TxDOT and NTTA for future driveway connections along the frontage road.   | Short-Term  |
| Develop several regulating tools that protect the City in the event future retailers ultimately vacate their buildings (i.e., “go dark” provisions, escrow dollars for demolition, right of first refusal, etc.) | Short-Term  |
| Anticipate the loss of existing retailers in the City to this location and prepare a redevelopment strategy for the reinvention and retenanting of these more established commercial locations.                  | Short-Term  |
| Use Tax Increment Financing (TIF) or Municipal Management District (MMD) revenues to assist with preparing this area for new investment including siting viable businesses - commercial, retail and office.      | On-Going  |

6/14/2016

Updated Addendum For:

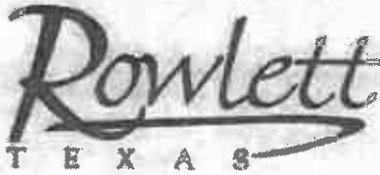
**ATTACHMENT 4**

Richard and Sue Rabinowitz, 3110 Harborview Blvd. Rowlett, TX 75088

This Attachment in Response to Application for Rezoning of Change for 4906 Miller Rd.

Due to submittal changes by "Applicant" after our allowable time frame to respond.

1. No Changes
2. We're OK with Incompatibility Buffer being 20 Ft. on Applicants Southern property line (which abuts my fence line) provided the Masonry Type Screening Wall is located on this 20 foot Line, as shown in the documents we received, and not relocated any closer to my existing fence than as stated in the current proposal.
3. No Changes.
4. No Changes.
5. Additional request for this line item are as follows: The updated Proposal shows 100% Brick for the North and West facing walls of buildings, with 50% Brick & 50% Hardy Board for Southern & Eastern walls of buildings. Should The City allow a variance to the existing City building codes, lowering the percentage of Brick to be used on any and all buildings, I request that the percentage of Brick vs. Hardy Board be equally distributed on all 8 walls of the buildings to make it fair for "Everyone's" view of the proposed project and not just "Some".  
Example: 75% Brick and 25% Hardy Board on all 8 proposed walls of the 2 buildings. This should not significantly change the cost of the project as the quantity of the construction materials (Brick, Stone, Hardy Board, etc.) would remain the same.
6. No Changes.
7. No Changes.
8. No Changes.



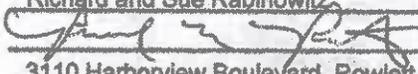
Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change  
**LOCATION:** The subject property is located at 4906 Miller Road further described as being 3.539 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS: Only with the conditions
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS: attached

**COMMENTS:** Please see attached detail of conditions required for an 'in favor' response to this request. We are a 200 ft responder, and the subject property directly abuts to our property line and fence with no alley separation, unlike all the other directly affected properties. See attached photos and conditions.

**PROPERTY OWNER NAME (print):** Richard and Sue Rabinowitz  
**SIGNATURE:**  6/7/2016  
**ADDRESS:** 3110 Harborview Boulevard, Rowlett, 75088

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 2021 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 28<sup>th</sup> of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5<sup>th</sup> of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please timely 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 Services Department by 5 pm on Wednesday, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 23, 2016, to be included in the City Council packet. All responses received by Wednesday, June 23, 2016, 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 entered in the record of response.

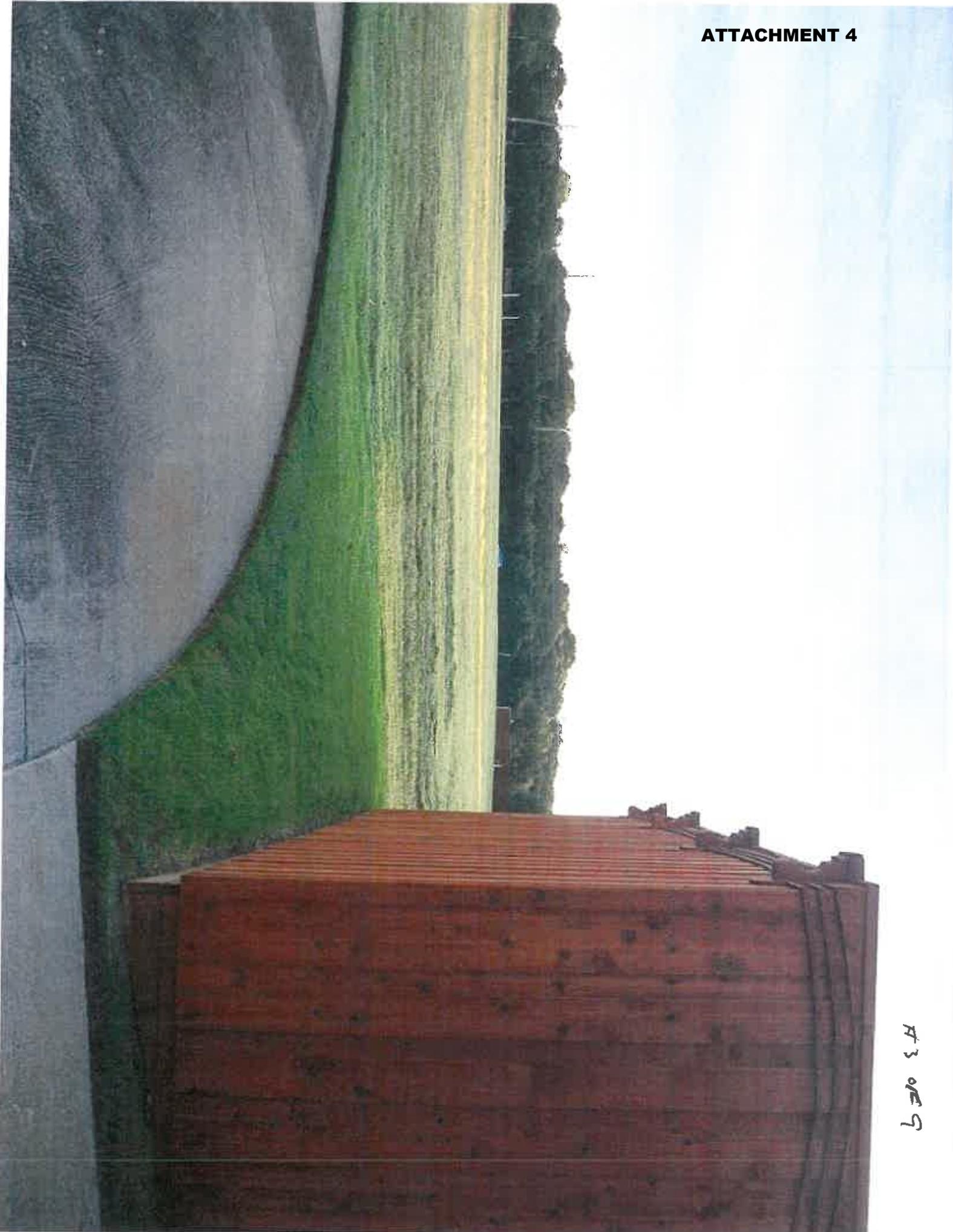
Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain 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<br/>                 Phone 972-412-6166<br/>                 FAX 972-412-6128<br/> <a href="mailto:stansford@rowlett.com">stansford@rowlett.com</a></p> | <p>RETURN BY FAX OR MAIL<br/>                 City of Rowlett<br/>                 Development Services<br/>                 PO Box 99<br/>                 Rowlett, TX 75080-0099</p> |
|---|--|

From: Richard and Sue Rabinowitz, 3110 Harborview Boulevard, Rowlett, 200 foot Notice Response.

Conditions and photo attachments in response to Application for Zoning Change For 4906 Miller Road, Rowlett.

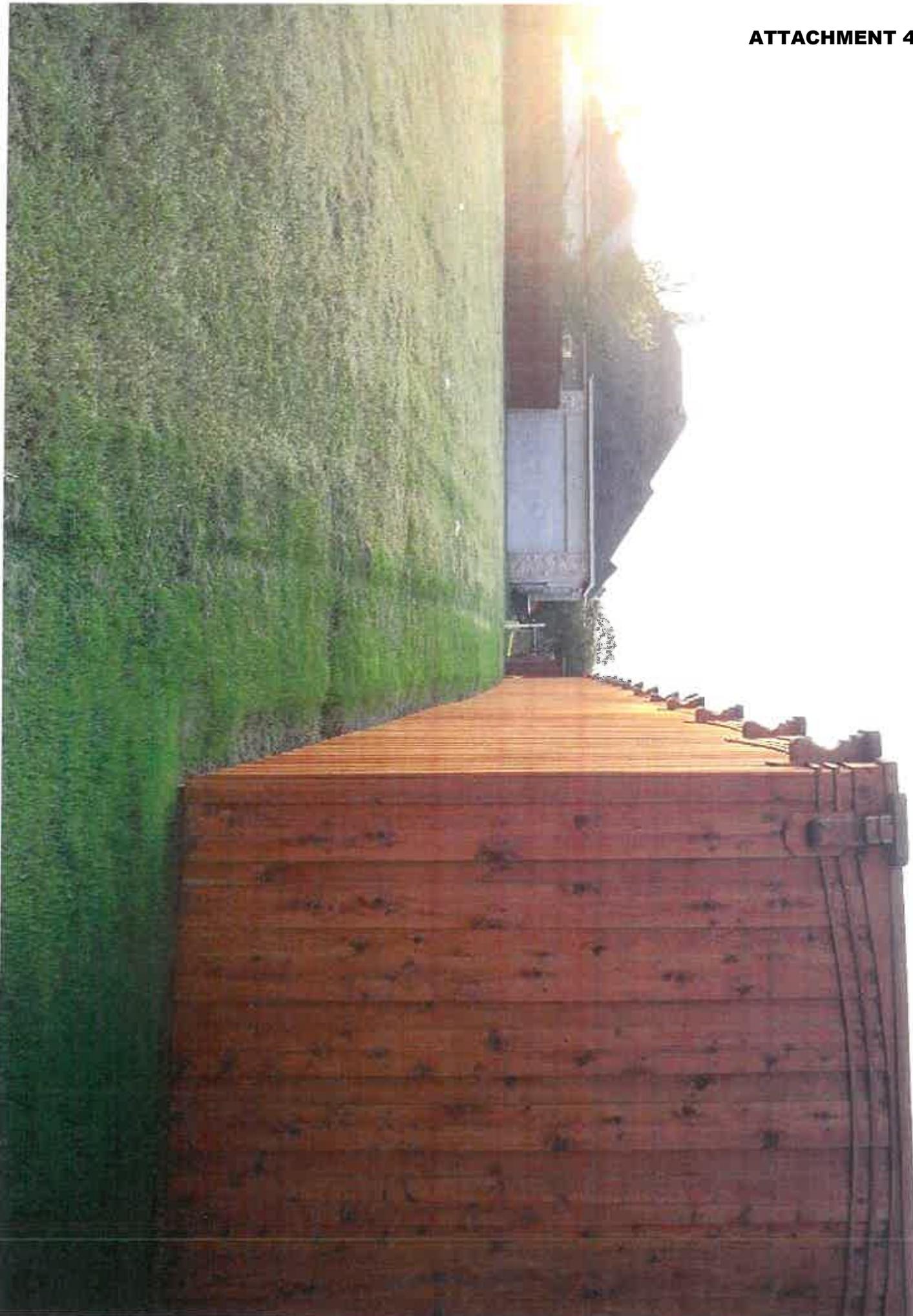
- 1) Due to our property is uniquely directly adjacent building line as per photo attached (no separation by concrete alley or walkway etc. His property lines up directly to our fence as per the survey stake in the attached photos.
- 2) The planning drawing shows a compatibility buffer line with original spec of 20 ft., now moved to 30 ft. We want to make sure this buffer line is 30 ft. away from our fence. The line was not moved on the drawing, only the verbiage was changed. We are clearly asking for his screening wall to be 30 ft. from our property line, not 20 ft.
- 3) As per conversation with Mr. Langford, City of Rowlett planner, the plan calls for landscape with large shade trees. We are opposed to large fast growing umbrella trees with extensive root systems such as Live Oaks, to be planted adjacent to the 100 ft. of my existing fence line with faces the back of the project. Reason is we don't want the tree umbrellas growing over our property or the root systems growing under our fence posts. I myself and our neighbors have experienced foundation problems and walkway uplifting from these types of tree root systems. We prefer tall Pine type firs, Magnolias, etc.
- 4) Screening walls must be constructed of hand laid brick or stone. This is to be in harmony with existing screening walls to our sub-division, Harborside, and City code. No variance to allow any wood fencing, or slip concrete type screening walls.
- 5) No variance to be allowed on use of Hardy Board or other type of siding on the exterior fascia of the buildings. Buildings are to be built to the exact existing high quality standards of Rowlett building codes.
- 6) Grass / Sod to be used in "Compatibility Buffer Areas" must be Bermuda Grass only so as not to have an invasion species of turf invading my adjacent grassy and manicured areas! Bermuda Grass is the standard for Turf originally installed by the Builder for the entire The Harborside Community.
- 7) Request, not condition: Dry ponds to be installed at front of property to address drainage overflow; we are hoping there is some type of City standard to maintain these from stagnant standing water, algae, and mosquitos. Preference would be for them to have no standing water and instead install drainage that will not keep standing water.
- 8) Request, not condition: if there is a direct access turning lane into the project, if it can be extended to Lafayette Drive entrance that would help with the safety issue that is presently in place with traffic coming down Miller toward Lafayette, with drivers not stopping to allow drivers to safely turn into Lafayette. (Avoidance of rear end collisions at Lafayette Drive.)



H 3 01E 9



#4 of 9



#5057



#6 6F9



47059



# 8 6 F 9

#9 of 9





Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: I'm requesting that a brick wall be in place versus a wooden fence

PROPERTY OWNER NAME (print): Fred Chinske
SIGNATURE: [Signature]
ADDRESS: 4914 Harborview Blvd Rowlett Tx 75088

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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 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, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 29, 2016, to be included in the City Council packet. All responses received by Wednesday, June 29, 2016, 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.

If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change  
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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:** 1) No variance allowed on screening walls. City code only hand laid brick or stone screening wall, high quality wall. 2) No Handy board or other siding. brick/stone exteriors.

**PROPERTY OWNER NAME (print):**

Alfonso & Araceli Quinonez

**SIGNATURE:**

*Alfonso Quinonez* *Araceli Quinonez*

**ADDRESS:**

5005 Harborview Blvd. Rowlett 75088

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 7:00 p.m. on the 14<sup>th</sup> of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5<sup>th</sup> of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Phone 972-412-6166

FAX 972-412-6228

[glangford@rowlett.com](mailto:glangford@rowlett.com)

RETURN BY FAX OR MAIL

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099



ATTACHMENT 4
Department of Development
Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

LOCATION: The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: No variances allowed on screening walls - need Brick walls or stone walls. No variances on exterior walls no hardy board or sia

PROPERTY OWNER NAME

(print):

IDICULA SAMUEL

SIGNATURE:

[Handwritten Signature]

ADDRESS:

5001 HAIRBORVIEW BLVD

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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



Department of Development  
Services

## NOTICE OF PUBLIC HEARING

**TO:** Property Owner 06-02-16A10:54 RCVD  
**RE:** Application for a Zoning Change  
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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:** This area should be maintained residential. We currently have commercial on the west side of GB Fwy. Find an alternate location.

**PROPERTY OWNER NAME**

(print):

ORLANDO A. MON

**SIGNATURE:**

Orlando A. Mon

**ADDRESS:**

4909 Harborview Boulevard

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If you have any questions concerning this request, please contact the Department of Development Services

Phone 972-412-6166

FAX 972-412-6228

[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099





Department of Development Services

NOTICE OF PUBLIC HEARING

06-08-16A08:31 RCVD

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: We already have W. Bush behind our home and its noise enough. Traffic is bad already in area

PROPERTY OWNER NAME (print): Christopher E Lind Harris
SIGNATURE: [Handwritten Signature]
ADDRESS: 3201 Lafayette Ave, Rowlett, TX 75088
[Handwritten Signature] Christopher E Harris

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Table with 2 columns: Contact information for questions and return-by-fax/mail address.



Department of Development Services

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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: I do not want this across the street.

PROPERTY OWNER NAME (print): Margaret Johnson  
SIGNATURE: Margaret Johnson  
ADDRESS: 5007 Miller Rd Rowlett Texas 75088

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|--|--|



Department of Development Services

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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: Would rather have this facility than another strip shopping center.

\* No variances allowed on the screening walls. No "slip form concrete" or wood, just (cont'd)

PROPERTY OWNER NAME (print): Christina & Hugo J. Martinez
SIGNATURE: Christina Martinez
ADDRESS: 3005 Harborview Blvd. Rowlett, Texas 75088

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(cont'd) City Code approved brick/stone exteriors.



Department of Development Services

05-31-16P01:54 RCVD

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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: Do NOT BELIEVE IT WILL BE A NEGATIVE

MEMBER OF THE COMMUNITY

PROPERTY OWNER NAME (print): RONALD STEGGY W. GORRE
SIGNATURE: Ronald S. Monro
ADDRESS: 3014 HARBORVIEW ROWLETT TX 75088

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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: QUIET NEIGHBORS, ADD TO ROWLETT TAX BASE INCOME

PROPERTY OWNER NAME (print): LINDA W. HARDY
SIGNATURE: Linda Hardy
ADDRESS: 3009 LAFAYETTE DR

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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: Please see attached typed, signed letter. Thank you.

PROPERTY OWNER NAME (print): Steven A. Gallob and Janelle S. Allen
SIGNATURE: [Handwritten Signature]
ADDRESS: 3013 Lafayette Drive, Rowlett

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glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

06-10-16 PUT: J4 REVU

June 6, 2016

TO: Rowlett Department of Development Services

RE: 4906 Miller Road Application for a Zoning Change

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We have reviewed the developers packet provided to our HOA Board of Directors. We are in favor of this zoning change and the establishment of the proposed assisted living/memory center with the stipulations that no variances be allowed to lessen the quality of existing City construction requirements beyond the following considerations:

No wood privacy fencing allowed. Yes to stamped, stained slipform concrete fencing in stone and brick fascade. Yes to handlaid brick masonry fencing per current city standard.

Yes to city standards of building material exterior to be brick and stone, with minimal break up in appearance of exterior with use of hardy board siding. Use of hardy board siding be limited to interior facing fascade, and limited to no more than 15% of exterior building fascade.

City has standards for quality construction in Rowlett that should be followed or exceeded by incoming developers. This protects our home and property values and tax base for the city. If developer is worrying about variances to existing Rowlett quality construction standards, he doesn't need to build here. Please maintain the highest quality construction requirements for this project in the best interests of our city community and our neighborhood.

Also, the blueprint shows a potential right of way dedicated lane for the facility entrance/exit. Would the city please consider extending any dedicated entry lane so that the Lafayette Drive could have a dedicated east bound entry as well. Ever since the PGBT and Service Road reconfiguration, our neighborhood entrances have been a challenge and a turn lane assistance even from the one east bound entry only, would be a safety enhancement and a help. Thank you.

Sincerely,



Steve Gallob

Janelle Allen

3013 Lafayette Drive, Rowlett

500 Foot Zone Affected Home

06-10-16P01:35 RCVD



Department of Development Services

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

[X] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: there is not sufficient roadways & room for the added traffic at this area. This will create added congestion this area cannot handle. This is a neighborhood NOT commercial area.

PROPERTY OWNER NAME (print):

Tassie Powers

SIGNATURE:

[Signature]

ADDRESS:

3005 Lafayette Dr., Rowlett Tx 75088

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Development Services
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Rowlett, TX 75030-0099

06-14-16P02:26 RCVD



Department of Development Services

06-08-16A08:31 RCVD

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

[X] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

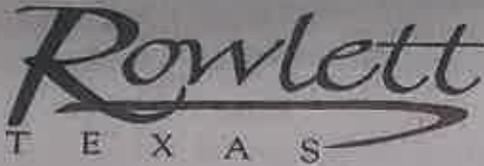
COMMENTS: It is much better than having a gas station!
Would rather it stay green space. Street is too small

PROPERTY OWNER NAME (print): DATTI RYE
SIGNATURE: [Signature]
ADDRESS: 5109 Natchez Dr., Rowlett TX 75088
Harborside should buy it. They have the money.

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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:** Builder plans to use wood fence instead of masonry wall. Also plans to build and sell right away. empty block. Risk....

**PROPERTY OWNER NAME (print):** Michael Wooloms  
**SIGNATURE:**   
**ADDRESS:** 4905 BAAPOUT Circle Rowlett, TX 75088

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|--|---|

06-08-15 PM 2:26 RCYD



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS: I AM UNSURE AT THIS TIME. I WANT TO KNOW THE COMPANY WHO WILL BE RUNNING THE CENTER &
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I WANT THE CITY CODE TO ONLY ALLOW NEW Laid BRICK OR STONE SCREENING WALL TO KEEP HARMONY WITH THE HIGH QUALITY WALL SURROUNDING OUR HOA & OTHER AREAS. ON SUB - QUALITY WALLS

PROPERTY OWNER NAME (print): TIM PUNIL 5114 MATCHOL ROWLETT TX 75088
SIGNATURE: [Handwritten Signature]
ADDRESS: 5114 MATCHOL DR ROWLETT TX 75088

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Department of Development Services

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

No variance allowed on screening walls per insic on the city code of city hand laid brick or stone screening walls - not in form of concrete or wood. Brick/stone exterior should stay w/ city code

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS: 4905 Harbourview Blvd Rowlett TX 75088

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EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: No Variance. On walls, Only hand laid Brick or Stone Screening walls. City Code should be followed.

PROPERTY OWNER NAME (print): SUNDER KHULLA

SIGNATURE: [Signature]

ADDRESS: 5106 Gulfport Dr., Rowlett, TX 75088

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If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change
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- [X] I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
[] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Please see attached email excerpt given with verbal approval to our ACC admin for submission on this matter, due to traveling.

PROPERTY OWNER NAME (print): Fred. D. Cawyer
SIGNATURE: Fred D. Cawyer/jr
ADDRESS: 2501 Harborview Blvd. Rowlett

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TO: Rowlett Department of Development Services

RE: 4906 Miller Road Application for Zoning Change

If the developer is worrying about the additional cost of constructing the required masonry wall separating his commercial business enterprise from a residential neighborhood, he has even more financial worries to construct and maintain a memory care Assisted Living Center.

Insist that they comply with the City requirements for the commercial grade masonry fence - that will last a lot longer than wood.

*Fred D. Cawyer Jr*

Fred D. Cawyer AIA, Architect

ARS - Accessibility Resource Specialists and

CAC - Cawyer & Associates Consulting

RAS-0086

3819 Towne Crossing Blvd.

Suite 111

Mesquite, TX 75150

972.285.2445-Office

214.505.3728-Cell

HARBOR OWNERS ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE

HARBORSIDE RESIDENT

06-10-16P01:35 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Please see attached email excerpt given with verbal approval to our ACE admin for submission on this matter, due to traveling.*

**PROPERTY OWNER NAME (print):** *James E. Spencer*  
**SIGNATURE:** *James E. Spencer/ji*  
**ADDRESS:** *2502 Harborview Blvd. Rowlett*

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 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099

Rowlett Department of Development Services

RE: 4906 Miller Road Zoning Change Application

Actually I think it could be a good neighbor for us. It is low traffic and quiet.

We design these type facilities for a client all over and they are decent neighbors. Would be happy to visit with the developer.

But I would vote against the wood fence as that would be an issue in my opinion. Our clients always put a nice masonry fence in and they work it into their Performa. It is a city standard, and would last longer and look much better.



JAMES E SPENCER AIA NCARB EDAC

PRINCIPAL/COO

DALLAS, TX 214.378.9810 PAWLEYS ISLAND, SC 843.979.2210

WWW.CGA-ARCH.COM JSPENCER@CGA-ARCH.COM

HARBOR OWNERS ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE VOLUNTEER

HARBORSIDE NEIGHBORHOOD RESIDENT

06-10-16P01:35 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:** STAY WITH CITY STANDARDS. THIS WILL DOWNGRADE THE COMMUNITY

**PROPERTY OWNER NAME (print):** DANIEL DEVELDE  
**SIGNATURE:** Daniel Develde  
**ADDRESS:** 5202 SAINT CHARLES DR

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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: 1) A change of zoning allows the developer to build a hardy board siding fence around the property which is a substandard material. It is incompatible with the neighborhood.
2) A Hardy board siding fence will not improve the look our neighborhood but will cause it to be viewed as a lesser valued neighborhood and could impact property values.

PROPERTY OWNER NAME

(print):

Jerry & Nelda Moffett

SIGNATURE:

Handwritten signatures of Jerry and Nelda Moffett

ADDRESS:

3113 Sunrise Drive Rowlett, TX 75088

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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:** City needs to stay with city standard of Stone or Brick Fences. Wood wears down to quickly

**PROPERTY OWNER NAME (print):** Jeffery R Miller  
**SIGNATURE:** Jeffery R Miller  
**ADDRESS:** 2210 Sunside Dr Rowlett TX 75088

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *The city needs to stay within the standards of stone or brick - no exceptions.*

**PROPERTY OWNER NAME (print):** *Teresa Miller*  
**SIGNATURE:** *Teresa Miller*  
**ADDRESS:** *2210 Sunside Dr. Rowlett, TX 75086*

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** We are not opposed to the facility proposed, but to any variance from the code which would allow a wooden fence & hardy plank siding for the structure.

**PROPERTY OWNER NAME (print):** Earl and Rosalind Jeffers  
**SIGNATURE:** Earl R. Jeffers & Rosalind Jeffers  
**ADDRESS:** 2913 Sunrise Dr., Rowlett TX 75088

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** APPLICANT WANTS CITY RULES & STANDARDS TO BE RELAXED SO HIS PROJECT CAN BE MORE PROFITABLE. GOOD FOR HIM, BAD FOR US.

**PROPERTY OWNER NAME (print):** WILLIAM E. WRIGHT  
**SIGNATURE:** *William E Wright* (CONTINUED)  
**ADDRESS:** 5202 NATCHEZ DRIVE ROWLETT, TX 75088

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|--|--|

June 6, 2016

Addendum to Notice of Public Hearing Form Re: 4906 Miller Road

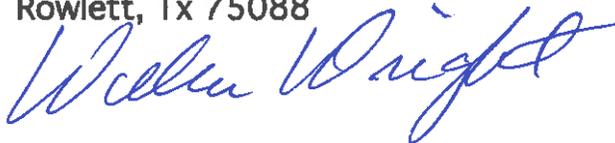
City of Rowlett Development Services

My understanding of the developer's request is that he says he cannot have a profitable project if the city doesn't allow him to materially deviate from city building standards. If this project is so financially wobbly, then maybe he should use the substandard and incompatible materials at some other location.

If his requests are approved, the residents and owners in Harborside will have to suffer a lowering of the standards while he takes his enhanced profits to the bank. He wins, we lose. That does not sound like what one neighbor does to another in good faith to me.

I personally have no objection to the proposed facility except for the variances being requested.

William Wright  
5202 Natchez Drive  
Rowlett, Tx 75088





Department of Development Services

NOTICE OF PUBLIC HEARING

06-10-16A08:58 RCVD

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: I WAS IN COMMERCIAL REAL ESTATE FOR OVER 23 YEARS. THE DECISION YOU MAKE WILL SET A PRECEDENT FOR THE FUTURE.

PROPERTY OWNER NAME (print):
SIGNATURE: [Signature]
ADDRESS: 2810 Harborview Blvd Rowlett, Tx 75088

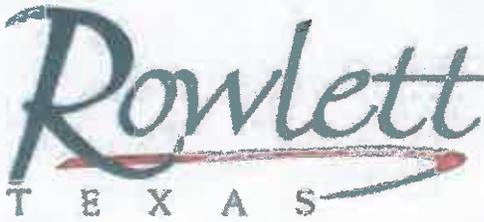
Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
giangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

06-10-16AUB:59 RCVD

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 4906 Miller Road further described as being 3.639 +/- acres in the Oliver V Ledbetter Survey, Abstract No. 790, 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 requests a rezoning from the existing General Commercial/Retail (C-2) Zoning District to a Planned Development District with an underlying C-2 base zoning district to allow an assisted living/memory care facility (PD 119-2016).

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

COMMENTS: I am opposed to the wood fence instead of brick, as well as the use of Hardy Board. City standards should not be reduced for a commercial endeavour.

PROPERTY OWNER NAME (print): Jill Reilly
SIGNATURE: [Signature]
ADDRESS: 3201 Sunrise Dr. Rowlett 75088

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



Department of Development Services

NOTICE OF PUBLIC HEARING

06-10-16A08:59 RCVD

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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:

The developer wants to change existing rules of zoning for his specific gain. Not acceptable for some owners.

PROPERTY OWNER NAME (print):

Linda N Brown

SIGNATURE:

Linda Brown

ADDRESS:

5101 Watcher Dr Rowlett TX 75088

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RETURN BY FAX OR MAIL
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PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
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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:** Maximizing profits is NOT a valid reason. The citizens of Rowlett do not deserve to be sold short by allowing a new entity to come in and be allowed to cut corners.

**PROPERTY OWNER NAME (print):**  
**SIGNATURE:** James Freeland  
**ADDRESS:** 2802 HARBORVIEW BLVD ROWLETT TX 75088

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 Phone 972-412-6166  
 FAX 972-412-6228  
[rlangford@rowlett.com](mailto:rlangford@rowlett.com)

RETURN BY FAX OR MAIL  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

06-10-16 08:59 AM

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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: My Hall already let our neighborhood down by permitting TX DOT to build a sound barrier wall on the GBTP that wasn't high enough. Dont let us down again. If this developer can't meet existing zoning, have him take his building elsewhere.

PROPERTY OWNER NAME (print): ROGER JENKINS
SIGNATURE: Roger Jenkins
ADDRESS: 5209 Gulfport Dr., Rowlett, TX 75088

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



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

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

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 8B

**TITLE**

Conduct a public hearing and consider an ordinance on a request for a rezoning from Single Family-10 and Single Family-8 Zoning District to a Planned Development District with an underlying zoning of Single Family 5 (SF-5) for the purpose of constructing a single family neighborhood. The subject property is located at 7900 Chiesa Road further described as being 22.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is requesting to rezone 22.06 +/- acres along Chiesa Road (Attachment 1 – Location Map) from Single Family-10 (SF-10) and Single Family-8 (SF-8) Zoning Districts to a Planned Development (PD) District with an underlying zoning of SF-5. The purpose of this rezoning is to build an 89-lot single-family subdivision (Exhibit C – Statement of Intent and Purpose).

The Planning and Zoning Commission recommended approval of this item at their June 14, 2016, regular meeting on a 5-2 vote with conditions that the entry way on Chiesa Road have 9,600 square feet of landscaping, trees along Chiesa Road will be required at 1 per 20 linear feet instead of 1 per 35 linear feet and the two lots located at the north end of the property may be 50' by 115' to accommodate Danridge Drive. Commissioners Thomas Finney and Lisa Estevez voted in opposition. The item was discussed under Item C3, which can be viewed at the following link: <http://rowlettx.swagit.com/play/06142016-1485>. The applicant revised the proposed development to incorporate the Commission's recommendation except for the 1 tree per 20 linear feet.

**BACKGROUND INFORMATION**

The subject property is located along the east side of Chiesa Road and the north side of Travelers Crossing. The subject property is bounded by existing subdivisions to the south and east, which are currently zoned SF-10 and SF-8. To the west, is a trailer park and is zoned SF-10. To the north, a piece of property is zoned PD 017-13 that allows a senior assisted living facility which is currently under construction. Listed below is the history of City-initiated zoning changes for the subject property.

| <b>ZONING HISTORY</b> |  |
|-----------------------|--|
| 1980                  | Zoned R-3  |
| 1988                  | Zoned SF-8/15 (R-3)  |
| 1997                  | Single Family Water Front (SF-W) and Single Family Village 2 (SF-V2) |
| 2006                  | Single Family 10 (SF-10) and Single Family 8 (SF-8)                  |

To provide historical context, the prior R-3 and SF-8/15 zoning districts required a minimum lot size of 8,000 square feet. The property was rezoned in 1997 as part of the city-wide rezoning to the SF-W and SF-V2 zoning district which requires a minimum lot size of 10,000 square feet and 8,000 square feet, respectively. The SF-W and SF-V2 were replaced with the SF-10 and SF-8 districts in 2006 with the adoption of the Rowlett Development Code. The SF-10 and the SF-8 district requires a minimum lot size of 10,000 square feet and 8,000 square feet, respectively.

The applicant is requesting a PD with an underlying zoning of SF-5 with modified development standards (Exhibit D – Development Standards). The modified dimensional standards compared to the RDC standards are listed in the table below. If approved, the proposed development will follow the standard requirements in the RDC except for those requirements specified in the Development Standards and the Concept Plan. The applicant’s Concept Plan proposes a single family subdivision with a minimum lot size of 6,000 square feet (Exhibit E – Concept Plan). The proposed development will allow front entry homes with garage doors that face the street.

|               | <b>SF-5</b>       | <b>PD Standards</b> |
|---------------|-------------------|---------------------|
| Dwelling Size | 1,500 square feet | 1,600 square feet   |
| Lot Size      | 5,000 square feet | 6,000 square feet   |
| Lot Width     | 50 feet           | 50 feet             |
| Lot Depth     | 100 feet          | 120 feet            |
| Front Setback | 10 feet           | 20 feet             |
| Rear Setback  | 25 feet           | 20 feet             |
| Side Setback  | 5 feet            | 5 feet              |

The applicants are also proposing modified standards to the landscape buffer and entryway requirements for the proposed development. The proposal was modified to incorporate the Planning and Zoning Commission’s recommendation to provide 9,600 square feet landscaping. However, it will not be divided evenly on both side of the entrance. The proposed entryway will meet the landscape buffer requirements and planting requirements for entryways. The modified landscaping standards compared to the RDC standards are listed in the table below.

|                                  | <b>RDC Standard</b>         | <b>PD Standards</b>         |
|----------------------------------|-----------------------------|-----------------------------|
| Screening along Miller Rd        | 6 foot masonry wall         | 6 foot wrought iron fence   |
| Tree requirement along Miller Rd | 1 tree per 35 linear feet   | 1 tree per 35 linear feet   |
| Primary Entryway Landscaping     | 9,600 square feet           | 9,600 square feet           |
| Entryway Planting Requirements   | 2 trees per 500 square feet | 2 trees per 500 square feet |

The applicants are proposing to connect Danridge Road (Attachment 2 – Danridge Road Connector) which currently dead ends at the south end at Traveler Crossing and at the north end at Maple Wood. This portion of Danridge Road is on the City's Master Thoroughfare Plan classified as a collector street which is a 2-lane undivided street within a 60-ft right-of-way. By completing this required improvement shown on Master Thoroughfare Plan, the applicant will receive credit per City's Impact Fee ordinance against the City's Roadway Impact Fees. Connecting Danridge Road will provide a north and south thoroughfare access between Princeton Road and Chiesa Road.

## DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that the Planning and Zoning Commission shall consider the following when making their recommendation to the City Council as it pertains to rezoning requests. These criteria are listed below:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

***As evidenced by the applicant's response, the proposed rezoning does not correct an error but does meet the challenge of a changing demand. As was identified in Realize Rowlett 2020, the changing demand is for a different product type that offers quality housing on a smaller lot size.***

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purposes of this code stated in subchapter 77-103, Purpose of this Code;

***This site was originally included in area B-2 "Woodside Living" of the Realize Rowlett 2020 Comprehensive Plan. The vision was for moderate to higher density residential to focus on the goals of providing housing for people at all stages in the life cycle. However, during Phase II of Realize Rowlett 2020 this area was removed from the plan. As such, the guiding principles and existing zoning should inform development. Staff found that the request furthers Guiding Principles #1: Value Existing Neighborhoods and Guiding Principles #3: Make Rowlett a community that is attractive to people at all stages of their lives.***

***The proposed PD will value the existing neighborhood while offering a different product type that will be attractive to people at different stages of their lives. It is staff's opinion that an 89-lot development with 50-ft wide lots is compatible with the existing adjacent single family subdivision to the east and to the north.***

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

***Staff does not anticipate the proposed rezoning to impact negatively the health, safety, morals, or general welfare of the public. If approved, the proposed***

**development will be required to comply with all applicable development standards in the proposed PD as well those standards in the RDC including drainage, traffic, and utility requirements.**

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;

**The proposed rezoning has been reviewed from the standpoint of providing sufficient transportation access and utilities (e.g., water, sanitary sewer, stormwater drainage). Both water and sewer service are provided by the City; Staff has confirmed that both are available to the site. Prior to the approval of any construction, Staff will ensure adequate capacity for utilities is provided as required by City ordinances.**

**A TIA is required by the RDC when a development will exceed more than 100 vehicles per hour or 1,000 vehicles per day. Based on the Institute for Traffic Engineers (ITE) 9<sup>th</sup> Edition of Trip Generation, an 89-lot single family development will on average generate 89 vehicles exiting or entering the site at peak hours between 4:00 p.m. and 6:00 pm. The expected daily average trips to and/or from the site is 847 vehicles daily. While a TIA will not be required for this development, the design of the street intersections will be required to follow all applicable traffic and engineering standards in the RDC.**

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

**It is unlikely that the proposed rezoning will have significant adverse impacts on the natural environment.**

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract;

**Staff does not anticipate that the proposed rezoning will have significant adverse impacts on other properties in the vicinity including the existing single family subdivisions to the south and to the east. The proposed 89-lot single family development is compatible with the surrounding existing single family subdivisions. The proposed 50-ft wide lots are not out of character with the existing 70-ft or 80-ft wide lots located to the east and to the south of the subject property.**

**The proposed PD includes modified landscape standards for the landscape buffer and entryways that standards will provide for sufficient buffering and landscaping along Chiesa Road.**

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification;

***The existing zoning and the proposed zoning are suited for the subject property. The proposed zoning will allow smaller lot sizes than what is currently allowed under the existing zoning. However, given the proposed open space within the development, the overall gross density of 4 units per acre is similar to the density provided in the adjacent neighborhood. Attachment 7 identifies the units per acre for existing residential subdivisions within the general vicinity.***

8. Whether there is determined to be an excessive proliferation of the use or similar uses;

***As indicated by the applicant, the intent of the development is to provide a smaller lot type that offers less yard maintenance which is not currently available within the immediate vicinity.***

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract; and;

***The proposed PD will result not result in a gross density that differs from the existing single family lots located in the surrounding area. The proposed PD has a gross density of 4 units per acre. Princeton Park No. 3 located to the east has a density of 4.05 units per acre and The Crossing located to the south has a density of 3.97 units per acre. The open space within proposed development offsets the smaller lot size making the gross density comparable with the surrounding subdivision.***

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

***The proposed PD will offer a single family product type with smaller lot sizes that offers quality housing without the maintenance associated with larger lot sizes. Realize Rowlett 2020 Plan recognized the growing demand for this type of housing product.***

In conclusion, staff does not expect the proposed PD to have an adverse impact on the adjacent properties. The proposed PD offers an adequate buffer along Chiesa Road that has been appropriately sized for the small scale of the project. The development offers a product type that should be attractive to people looking for quality housing with smaller lot sizes that offer less maintenance associated with larger lot sizes. Additionally, the proposed concept plan has been designed with a usable, central open space that will be fronted by homes on three sides. It is staff's opinion that the proposal satisfies the relevant Guiding Principles from the Realize Rowlett 2020 Comprehensive Plan and meets the criteria listed in the RDC for a rezoning.

## **PUBLIC NOTICE**

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. On May 27, 2016, a total of 82 notices were mailed to property owners within 200 feet and a total of 120 courtesy notices were mailed to property owners within 500 feet. As of June 29, 2016, Staff has received the following:

- 200-ft. notification area: two in favor, 12 in opposition.
- 500-ft. courtesy notification area: one in favor, six in opposition.
- Outside of notification area: 31 in favor (submitted by the Crossroads Church)

The responses are available in Attachment 4 – Returned Public Notices.

Staff published the Legal Notice in the Dallas Morning News on June 2, 2016, and placed a zoning sign on the subject property on June 3, 2016, in accordance with the Rowlett Development Code.

## **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

## **RECOMMENDED ACTION**

Staff recommends approval.

## **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 CHANGE IN ZONING FROM “SF-10” SINGLE FAMILY 10 AND “SF-8” SINGLE FAMILY 8 TO “PD” PLANNED DEVELOPMENT FOR REAL PROPERTY CONSISTING OF 22.06 +/- ACRES GENERALLY LOCATED EAST OF CHIESA ROAD AND NORTH OF TRAVELERS CROSSING AND CONSISTING OF ALL OF TRACT I IN THE JAMES SAUNDERS SURVEY, ABSTRACT NO. 1424, AND A PORTION OF LOT 1, BLOCK 1, CROSSROADS CHURCH ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED IN EXHIBITS “A” AND “B”, 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 to grant a change in zoning from “SF-10” Single Family 10 and “SF-8” Single Family 8 to “SF-5” Single Family 5 with “PD” Planned Development overlay for real property consisting of 3.639 +/- acres generally located east of Chiesa Road and north of Traveler’s Crossing and consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibits “A” and “B”, attached hereto and incorporated herein (hereinafter the “Property”).

**SECTION 2.** That the development standards and regulations are set forth in the following exhibits:

- Exhibit C – Statement of Intent and Purpose;
- Exhibit D – Development Standards;
- Exhibit E – Zoning Concept Plan; and
- Exhibit F – Development Schedule;

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.

**SECTION 3.** 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 “C” through “F”, the provisions of the Rowlett Development (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 provisions 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 Rowlett Development Code or other ordinance shall be applied to development and use of the Property.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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 8.** 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 – Zoning Boundary
- Exhibit B – Legal Description
- Exhibit C – Statement of Intent and Purpose
- Exhibit D – Development Standards
- Exhibit E – Concept Plan
- Exhibit F – Development Schedule;
- Attachment 1 – Location Map
- Attachment 2 – Danridge Road Connection
- Attachment 3 – Surrounding Densities
- Attachment 4 – Public Responses

**PROPERTY DESCRIPTION**

BEING all that certain lot, tract or parcel of land situated in the JAMES SAUNDERS SURVEY, A - 1424, City of Rowlett, Dallas County, Texas, and being a part of Lot 1, Block 1 of CROSSROADS CHURCH, an addition to the City of Rowlett, Texas, recorded in Volume 98245, Page 11 of the Map Records of Dallas County, Texas; said tract being a part of that same tract of land described in deed to Crossroads Baptist Church, recorded in Volume 99225, Page 1978 of the Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a 3/4" iron rod found at the southwest corner of Lot 1, Block 1 of said Crossroads Church addition; said point being in the east R.O.W. line of Chiesa Road (a variable width R.O.W.) and the beginning of a curve to the right having a central angle of 11°14'20" and a radius of 533.70' (Chord bearing N 05°43'23" W, 104.52');

Thence northerly around said curve and along the east line of Chiesa Road, a distance of 104.69' to a 3/4" iron rod found for corner;

Thence N 00°06'13" W, 195.91' along the east line of Chiesa Road to a point for corner;

THENCE N 89°36'48" E, 857.07' to a point for corner in the east line of said Lot 1 and the west line of a 50' Lone Star Gas Easement, recorded in Volume 154, Page 537 of the Deed Records of Dallas County, Texas;

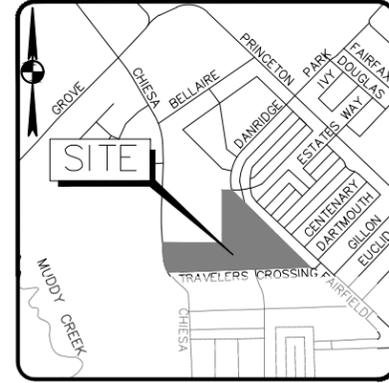
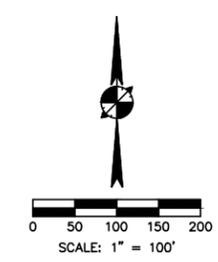
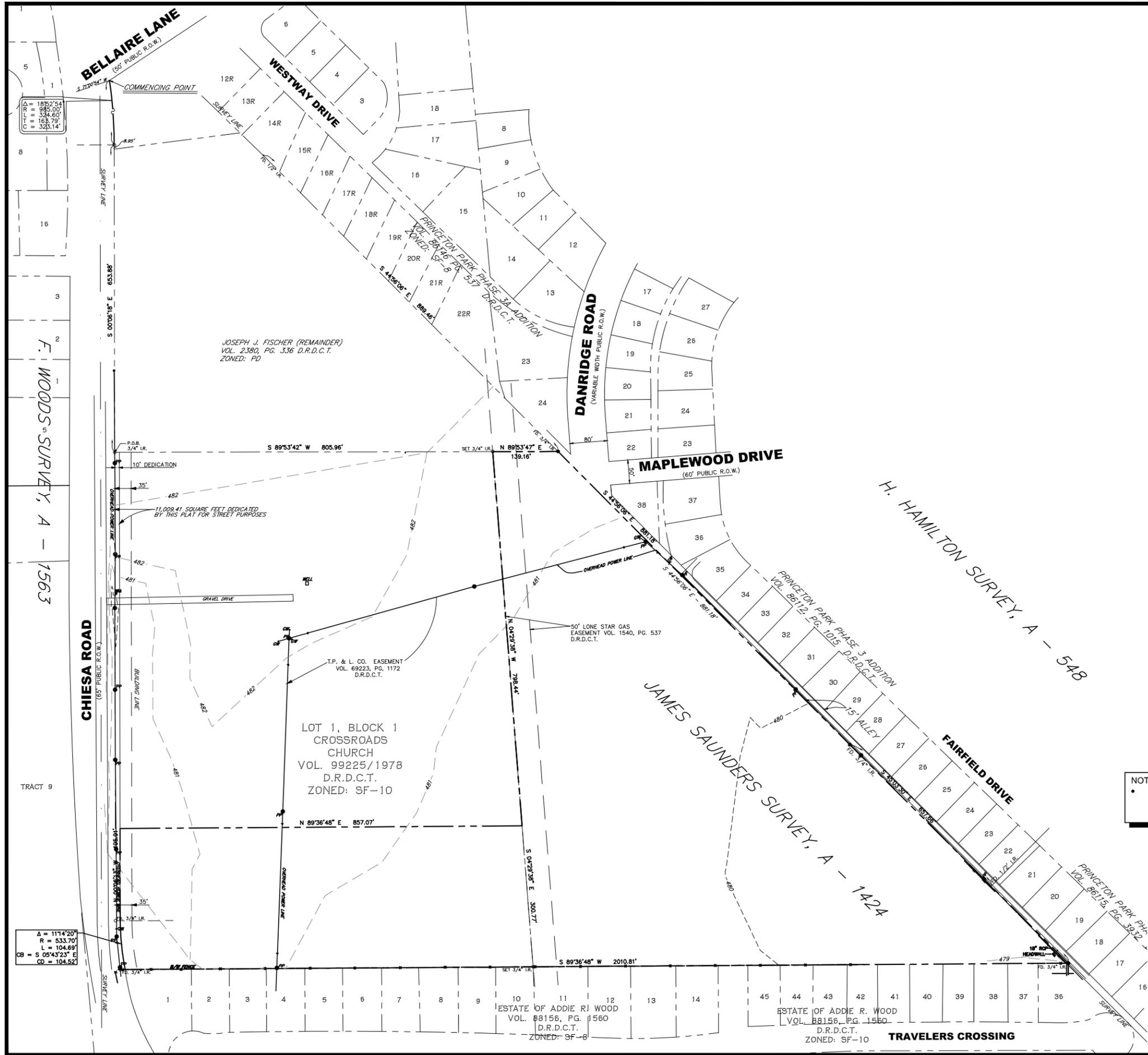
THENCE N 04°29'38" W, 798.44' along the east line of said Lot 1 and the west line of said 50' Lone Star Gas Easement to a 3/4" iron rod found at the northeast corner of said Lot 1, and being in the north line of the aforementioned Crossroads Baptist Church property;

THENCE N 89°53'47" E, 139.16' along the north line of said Crossroads Baptist Church property to a 3/4" iron rod found for corner in the southwest line of a 15' alley;

THENCE S 44°56'06" E, 881.18' along said alley to a 3/4" iron rod found for corner;

THENCE S 45°03'30" E, 657.66' along said alley to a 3/4" iron rod found at the southeast corner of said Crossroads Baptist Church property;

THENCE S 89°36'48" W, at 1,140.95' passing the southeast corner of said Lot 1, and continuing along the south line of said Lot 1 and Crossroads Baptist Church property, a total distance of 2,010.81' to the Point of Beginning and containing 960,885.09 square feet or 22.0589 acres of land.



PROPERTY DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the JAMES SAUNDERS SURVEY, A - 1424, City of Rowlett, Dallas County, Texas, and being a part of Lot 1, Block 1 of CROSSROADS CHURCH, an addition to the City of Rowlett, Texas, recorded in Volume 98245, Page 11 of the Map Records of Dallas County, Texas; said tract being a part of that same tract of land described in deed to Crossroads Baptist Church, recorded in Volume 99225, Page 1978 of the Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

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Scott Davis 5/26/2016  
Scott Davis, Registered Professional Land Surveyor No. 5111

disc@sbglobal.net Bearing source is the Princeton Park Addition, recorded in Volume 94224, Page 1600 D.R.D.C.T.  
DATE: 5/26/2016 DAVIS LAND SURVEYING CO., INC.  
JOB NO. 98014D 9777 FERGUSON ROAD, SUITE 105  
DALLAS, TEXAS 75228 214-321-0569 FIRM REG. NO. 10009600

NOTES:

- OVERALL SITE IS 37.4582 ACRES WITH 22.06 ACRES REQUESTED TO BE REZONED.

- NOTES:
- THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.
  - THE ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
  - 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 REGULATIONS.
  - NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE. ACCORDING TO FEMA MAP #481300245K DATED JULY 7, 2014.
  - THOROUGHFARE ALIGNMENT(S) SHOWN ON THE EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

CIVIL ENGINEER/PREPARER:  
BURY-DFW, INC.  
5310 HARVEST HILL ROAD,  
SUITE 100  
DALLAS, TEXAS 75230  
PHONE: (972) 991-0011  
CONTACT: KYLON M. WILSON P.E.  
TBPE# F-1048

OWNER:  
CROSSROADS BAPTIST CHURCH  
PO BOX 1018  
ROWLETT, TEXAS 75030

APPLICANT:  
SKORBURG COMPANY  
8214 WESTCHESTER  
SUITE 710  
DALLAS, TEXAS 75225  
PHONE: (214) 888-8855  
CONTACT: SEAN LINGENFELTER

**EXHIBIT B - ZONING EXHIBIT**  
**PD115-2016**  
**WILLOW WOOD ESTATES**  
**TRACT II AND A PORTION OF**  
**TRACT I - CROSSROADS CHURCH**  
**22.13 ACRES SITUATED IN THE**  
**JAMES SAUNDERS SURVEY, ABSTRACT 1424**  
**CITY OF ROWLETT**  
**DALLAS COUNTY, TEXAS**  
**JUNE 8, 2016**

**EXHIBIT C**  
**STATEMENT OF INTENT AND PURPOSE**  
**Willow Wood Estates**

Willow Wood Estates is a neighborhood which creates a beautiful, timeless community that upholds and enhances the quality of the surrounding environment. This neighborhood encourages outdoor activities and neighborhood interaction with its centralized greenspace, and connectivity to the City's trail system. This design philosophy brings individuals out of their backyards to enjoy the outdoors together as a community. A portion of the homes will front the centralized common area, which provides residents a scenic view and an opportunity to leave their fenced back yards to meet their neighbors.

This community strives to be a shining example of what Rowlett has to offer. With nearby access to Chiesa Road and Liberty Grove Road, this property lends its residents easy access to the conveniences of suburban life. In regards to Willow Wood Estates' regional context, the neighborhood's residents have convenient access to President George Bush Turnpike, the new CityLine (State Farm) corporate center, and local retail business and retail centers like Wal-Mart, Home Depot, and Super Target nearby. Residents will also enjoy the numerous current and future City Parks nearby such as Muddy Creek Park, Sunset Park, the Environmental Learning Center, and the new Bayside lagoon project.

The potential residential density for this development ranges from 4.0 to 4.2 units per acre.

Section 77-805.C. of the Rowlett Development Code (RDC) indicates that recommendations and decisions on rezoning shall be based on consideration of the following criteria:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact.

The requested rezoning does not correct any errors with respect to zoning.

The request meets the changing environment recognized in the Realize Rowlett 2020 Plan. In the "Framework for the Future" section of the Plan, it clearly states, "In 2020, Rowlett will be a community with diverse lifestyle choices for living, working, playing, and learning. ...additional housing choices will be available for individuals and families that desire homes needing lower maintenance. Young professionals will be attracted to low maintenance, dense housing found in urban or mixed-use neighborhoods." Additionally, the Plan recognizes that, "Rowlett's future as an employment center will blossom", when a number of actions take place, including, "its housing inventory expands and diversifies." Willow Wood Estates will meet the needs and desires of a more diversified Rowlett resident.

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purpose of this Code stated in subchapter 77-103, Purpose of this Code.

The proposal is consistent with the Guiding Principles outlined in the Realize Rowlett 2020 Plan. While this area is not one of the strategic opportunity areas detailed in the plan, the plan anticipates areas of Rowlett outside those areas will also experience development over time. When they do, the development should work within the framework of the Plan's Guiding Principles; two of the key ones being Principle 1: Value Existing Neighborhoods, and Principle 3: Make Rowlett a Community that is Attractive to People at all Stages of Their Lives.

The Plan recognizes that in order to protect the Realize Rowlett 2020 vision, "Actions for Change" need to be implemented. For redevelopment of residential areas and/or new development on greenfields in mature residential areas, Action 3 is probably the most important. This Action states, "...and include language related to the efficient delivery of redeveloped properties and projects that advance the principles of Smart Growth and traditional neighborhood development." Willow Wood Estates neighborhood is planned with those principles.

3. Whether the proposed rezoning will protect or enhance the health, safety, morals, or general welfare of the public.

The proposed Willow Wood Estates neighborhood does protect the public by:

- i) Fostering convenient, compatible, and efficient relationships among land uses;
- ii) Promoting a healthful and convenient distribution of population;
- iii) Ensures greater public safety, convenience, and accessibility through physical design;
- iv) Encourages the efficient use of the available land supply in the city;
- v) Preserves the character and quality of residential neighborhoods;
- vi) Promotes a balanced, diverse supply of affordable, quality housing in safe and livable neighborhoods;
- vii) Ensures the provision of adequate sized yards, open spaces for light, air, and fire safety;
- viii) Encourages development of a sustainable and accessible system of recreational facilities, and open space that meets year-round neighborhood and community wide needs;
- ix) Facilitates the adequate and safe provision of transportation, water, sewage, drainage, and other public facilities; and
- x) Ensures the service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

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.

Willow Wood Estates neighborhood's needs for water can be provided without negatively impacting adjacent properties. Willow Wood Estates neighborhood's needs for sewer services can also be met without negatively impacting adjacent properties. Additionally, the traffic generated by Willow Wood Estates residents will not negatively impact the city's street system.

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

Willow Wood Estates neighborhood will not have adverse impacts on the natural environment. Activities within the neighborhood will adhere to all of the city's performance standards with respect to air, water, and noise. The city's stormwater management standards will be followed, as they are with all new development in the city. Willow Wood Estates' layout was designed to preserve as much natural vegetation as possible, leaving existing trees and vegetation in the common areas.

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract.

The proposed rezoning will not have significant adverse impacts on other property in the vicinity. The proposed rezoning will closely relate to the adjacent single family neighborhoods, and the new housing stock with their projected price points will benefit the surrounding properties.

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification.

The property is currently zoned SF-8 and SF-10 with a lot area minimum of 8,000 and 10,000 square feet respectively. This property is not suitable for the current zoning category, due to its infill nature, existing gas line and future thoroughfare road bisecting the property, which constrain the property. These inherent constraints inhibit the configuration and ultimate efficiency of the property, which is why a smaller lot size is necessary. The proposed zoning allows for a higher density than the current zoning category. This higher density creates a transitional buffer between the high-intensity uses of the adjacent religious facility and senior living facility and the currently existing subdivisions (Princeton Park and The Crossroads).

This rezoning will also allow for the creation and maximization of a high-quality open space that will enhance and protect the value of the neighborhood for years to come. A suburban style of single family development deemphasizes the focus on the fenced back yard where every resident is isolated from their neighbor. Social interaction is very important for homeowners in this style of neighborhood. A focus is placed on the common areas in a neighborhood where that social interaction can take place on a daily basis. With that in mind, Willow Wood Estates neighborhood will provide a centralized, usable open space for the benefit of the entire neighborhood. This will not only provide ample opportunity for interaction between neighbors, but will also create a more appealing atmosphere to the neighborhood.

The property is well suited for a suburban, infill single family neighborhood. As the Realize Rowlett 2020 Plan indicates, “The community will support diverse choices—in housing types, neighborhood character and land use patterns—so that people at all stages of their lives can find options here that meets their needs”. This is an opportunity to diversify Rowlett’s housing stock with high-quality homes, making Rowlett a full Life Cycle community.

8. Whether there is determined to be an excessive proliferation of the use or similar uses.

Princeton Park, which is immediately northeast of Willow Wood Estates, was zoned and preliminary platted in 1986. Lot areas range from +/- 7,200 to 8,000 square feet. Directly south of Willow Wood Estates is The Crossroads, which was zoned and platted in 2001 for 8,000 to 10,000 square foot lot areas. Directly west of the site is Chiesa Estates Mobile Home Park.

In this vicinity, there is a deficiency of smaller high-quality homes, which allow for less yard maintenance and right-sized homes for aging “baby boomers” who want to stay in Rowlett and young professionals who are drawn toward a more suburban lifestyle with convenient access to President George Bush Tollway. Willow Wood Estates is intended to meet the demand for this underserved product type. There is currently a dearth of this housing type in Rowlett, and it is a housing product Realize Rowlett 2020 desires to grow in the future.

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

The requested rezoning is compatible in scale with uses on other properties in the vicinity. There is significant single family development surrounding the site. The proposed rezoning creates a transitional zoning or buffer from the high-intensity use of a religious facility and senior living facility from the existing housing of the older neighborhoods.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

The area surrounding Willow Wood Estates neighborhood is predominantly developed with suburban style for single family neighborhoods.

As identified in the Realize Rowlett 2020 plan however, “Though surrounded by attractive suburban alternatives, Rowlett is poised to compete for residential expansion, largely due to future transit improvements... demand for residential product types will continue to grow significantly over the next decade (over 21,000 units in the Trade Area) ...”

The Plan indicates there is ample demand for this type of residential product in this general area of the city.

**EXHIBIT D**  
**Willow Wood Estates**  
**PLANNED DEVELOPMENT STANDARDS**

General Standards

1. Development shall take place in general accordance with the attached Zoning Exhibit (Exhibit E).
2. The maximum number of homes in Willow Wood Estates neighborhood shall be 89.
3. A minimum of 8% of the land within Willow Wood Estates neighborhood shall be used as open space. The open space, as generally shown on Exhibit E, shall be recognized as meeting all of the City of Rowlett's acreage requirements for public and/or private open space for Willow Wood Estates neighborhood.
4. All open space and common area shall be owned and maintained by the Homeowners Association.

Dimensional Standards

Development shall take place in accordance with the SF-5 Single Family Residential District as outlined in the City of Rowlett Development Code as it exists or may be amended, except as indicated below.

1. The minimum lot area is 6,000 square feet (see Note A).
2. The minimum lot width shall be 50' at the building line. On cul-de-sacs and/or elbows, the minimum lot width at the street ROW shall be 35'.
3. The minimum lot depth is 120' (See Note A). On cul-de-sacs and/or elbows, the minimum lot depth shall be 105'.
4. The minimum front yard setback shall be 20'.
5. The minimum side yard setback shall be 5', the minimum side yard setback on a corner lot adjacent to a street shall be 10'.
6. The minimum rear yard setback shall be 20'.
7. The maximum lot coverage shall be 75%.
8. The minimum dwelling area shall be 1,600 square feet.
9. The maximum height shall be 2.5 stories or 36' for the main building.

| Setback Type                           | Minimum Distance in Feet |
|--|--------------------------|
| Front Setback                          | 20'                      |
| Rear Setback                           | 20'                      |
| Sideyard Setback                       | 5'                       |
| Sideyard Setback<br>Adjacent to Street | 10'                      |
| Sideyard Setback for Key<br>Lot        | 10'                      |
| Garage Setback                         | 20'                      |

Note A:

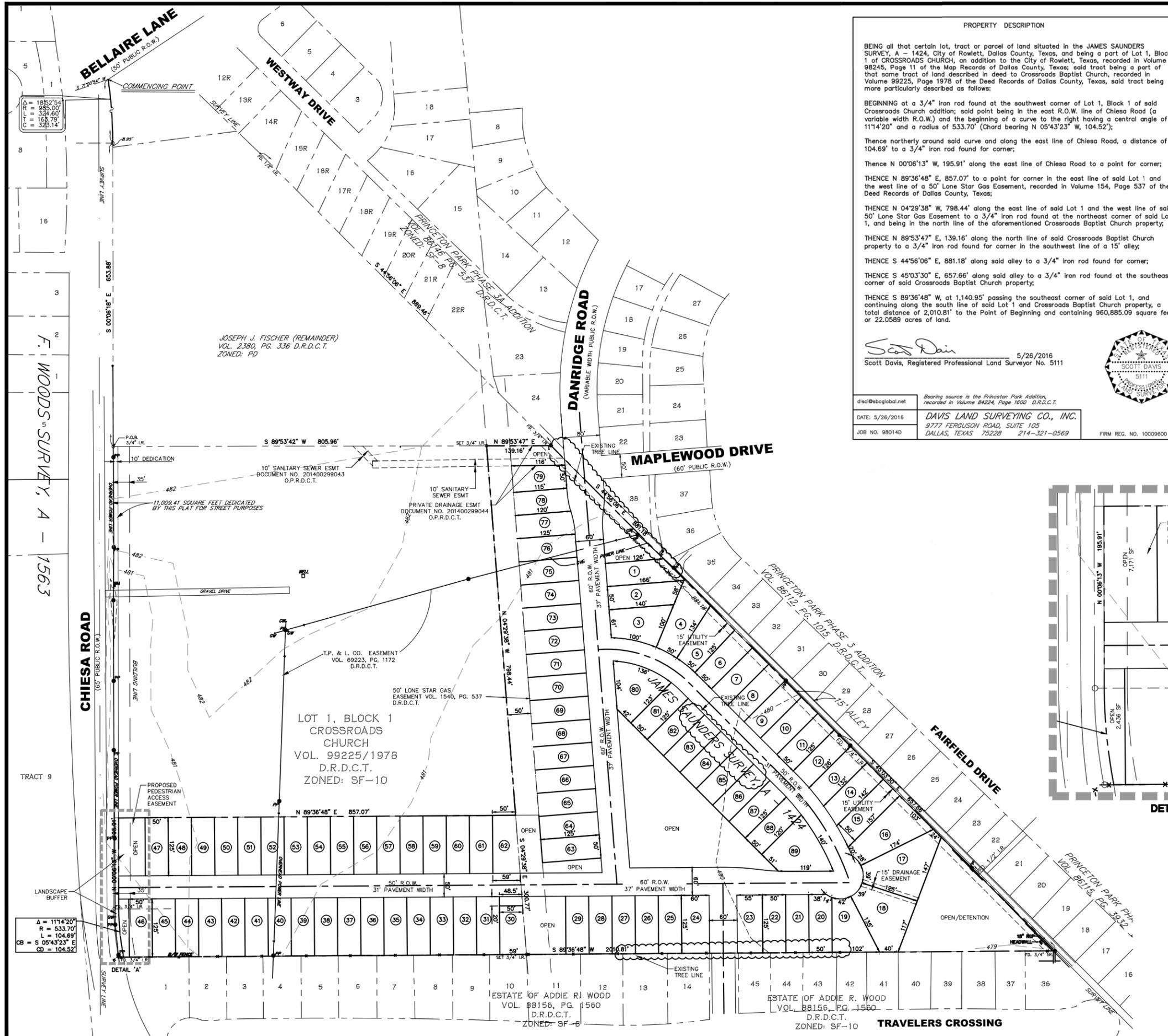
Two (2) lots, lots 78 and 79 as shown on concept plan, shall have a minimum lot area of 5,750 square feet with a minimum lot depth of 115'.

### Neighborhood Standards

1. Neighborhood buffer yards, entryway treatments, and landscaping shall be designed, developed, and maintained in accordance with the standards established in the Rowlett Development Code with the following exceptions:
  - The primary entrance will be from Chiesa Road.
  - The minimum landscape entryway requirement for the primary entrance shall be 9,600 square feet.
  - The primary entry will have 2 canopy trees per 500 square feet.
  - The landscape buffer will have 1 canopy tree per 35 linear feet.
  - The landscape buffer will have 10 shrubs per 30 linear feet.
  - A masonry and/or stone entry statement at least 6' tall shall be placed at the western entrance. A masonry wall along Chiesa Road will not be required. A six foot ornamental (tubular steel fence) shall screen the subdivision from Chiesa Road. Approved plants, trees, grass and other approved vegetation shall be placed in front of or behind the fence line to effectively screen the development and enhance the landscape buffer.
  - Any secondary entryway connecting to other subdivisions shall not require any landscaping.
  - Xeriscaped lots will be allowed along the sideyards of lots.
2. Unless otherwise shown on Exhibit E, streets within Willow Wood Estates neighborhood shall be designated as "Minor Residential Streets" and have a right-of-way width of 50' and a pavement width of 31' back to back. Danridge Road shall taper to a 60' ROW undivided minor collector street with 37' of paving (back to back).
3. ROW dedication (if any) shall be 32.5 feet from the centerline of Chiesa Road.

### Architectural Standards

1. All homes within the Willow Wood Estates neighborhood shall comply with the Residential Building Standards established in the Rowlett Development Code with the following exception: If a gable roof extends over an unenclosed porch, the gable face may be constructed of hardy-plank or similar cementitious material.
2. A hip roof which faces the street and which comprises greater than 35% of the total width of a house's façade shall be broken up with dormers or other architecturally compatible appurtenances.
3. Minimum of 8:12 front elevation roof pitch, except 4:12 roof pitches on porches. Dimensional shingles shall be used.
4. A minimum 4' wide, dedicated walk separate from a driveway, shall provide a connection between the house and the city sidewalk.



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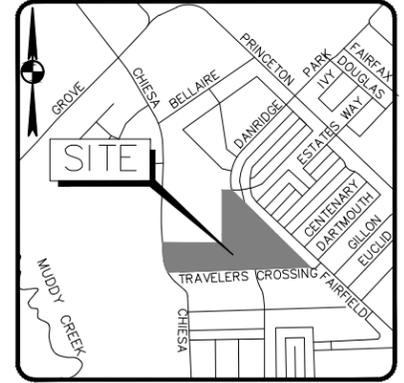
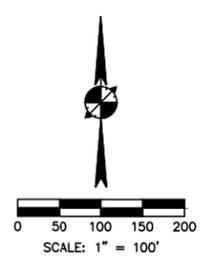
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*Scott Davis*  
 Scott Davis, Registered Professional Land Surveyor No. 5111

disc@sbglobal.net Bearing source is the Princeton Park Addition, recorded in Volume 84224, Page 1600 D.R.D.C.T.  
 DATE: 5/26/2016 DAVIS LAND SURVEYING CO., INC.  
 JOB NO. 980140 9777 FERGUSON ROAD, SUITE 105 DALLAS, TEXAS 75228 214-321-0569 FIRM REG. NO. 10009600



LOCATION MAP N.T.S.

**PROJECT SITE DATA**

**GENERAL**

- CASE NUMBER: TBD
- NAME OF PROJECT/ DEVELOPMENT: WILLOW WOOD ESTATES
- PROPOSED USE: PD-RESIDENTIAL (SF-5)
- FUTURE LAND USE DESIGNATION: DT/AV, RW, RV
- PROPOSED FUTURE LAND USE DESIGNATION: PD-RESIDENTIAL (SF-5)
- EXISTING ZONING DISTRICT: SF-8; SF-10
- PROPOSED ZONING DISTRICT: PD-RESIDENTIAL (SF-5)
- APPLICABLE OVERLAYS: PD
- APPRAISAL DISTRICT ACCOUNT NUMBERS AND COUNTY: DALLAS COUNTY
- APPROVAL NUMBER: -#65142403810010000
- APPROVAL NUMBER: -#44001180010010000

**OVERALL SITE**

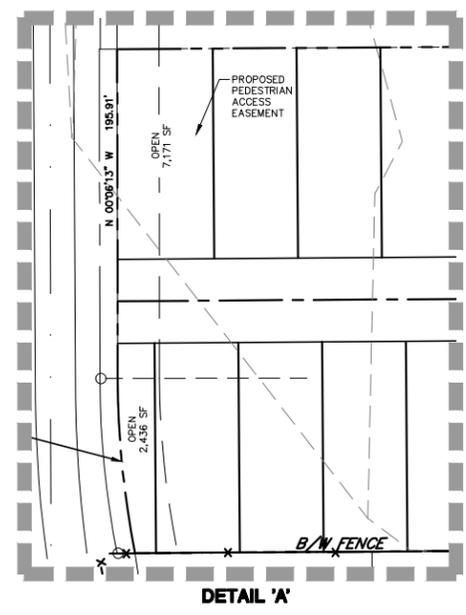
- GROSS SITE AREA: +/- 22.06 AC
- SITE FRONTAGE: 300 FT
- SITE WIDTH: 1097 FT
- SITE DEPTH: 2021 FT
- IMPERVIOUS SURFACE AREA: 0.0 AC
- PERVIOUS SURFACE AREA: 22.06 AC
- ACCESSORY USE: N/A
- OPEN SPACE: 3.10 AC (14.1%)
- DETENTION/RETENTION: 0.96 AC (4.4%)
- RECREATION: N/A
- PRESERVE: N/A
- CIVIC: N/A
- OTHER: N/A

| HOUSING                        | TOTAL |
|--------------------------------|-------|
| TOTAL GROSS DENSITY (DU/AC)    | 4.0   |
| LOT COUNT BY TYPICAL LOT SIZE  | 89    |
| TOTAL NUMBER OF DWELLING UNITS | 89    |

| PROPERTY DEVELOPMENT REGULATIONS       | REQUIRED             | PROVIDED |
|--|----------------------|----------|
| MAXIMUM LOT COVERAGE                   | 75%                  | 75%      |
| MINIMUM LOT AREA                       | 5000                 | 5500     |
| MINIMUM LOT WIDTH                      | 50                   | 50       |
| MINIMUM LOT DEPTH                      | 100                  | 115      |
| SETBACKS:                              |                      |          |
| FRONT SETBACK                          | 10                   | 20       |
| SIDE INTERIOR SETBACK                  | 5                    | 5        |
| SIDE STREET SETBACK                    | 10                   | 10       |
| REAR SETBACK                           | 25                   | 25       |
| LANDSCAPE ENTRYWAY AREA (CHIESIA ROAD) | 9600 SF              | 9607 SF  |
| MAX STRUCTURE HEIGHT                   | 35 FT OR 2.5 STORIES |          |
| MAX NO. STORIES/FLOORS                 | 35 FT OR 2.5 STORIES |          |

- NOTES:**
- THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.
  - THE ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
  - 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 REGULATIONS.
  - NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE. ACCORDING TO FEMA MAP #48113C0245K DATED JULY 7, 2014.
  - THOROUGHFARE ALIGNMENT(S) SHOWN ON THE EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

- NOTES:**
- OVERALL SITE IS 37.4582 ACRES WITH 22.06 ACRES REQUESTED TO BE REZONED.
  - FENCE MAY BE BUILT ALONG THE PROPERTY LINE WITHIN THE 15' UTILITY EASEMENT.
  - NO TREES OR STRUCTURES MAY ENCRUCH THE 15' UTILITY EASEMENT.



DETAIL 'A'

**CIVIL ENGINEER/PREPARER:**  
 BURY-DFW, INC.  
 5310 HARVEST HILL ROAD,  
 SUITE 100  
 DALLAS, TEXAS 75230  
 PHONE: (972) 991-0011  
 CONTACT: KYLON M. WILSON P.E.  
 TBPE# F-1048

**OWNER:**  
 CROSSROADS BAPTIST CHURCH  
 PO BOX 1018  
 ROWLETT, TEXAS 75030

**APPLICANT:**  
 SKORBURG COMPANY  
 8214 WESTCHESTER  
 SUITE 710  
 DALLAS, TEXAS 75225  
 PHONE: (214) 888-8855  
 CONTACT: SEAN LINGENFELTER

**EXHIBIT E  
 ZONING CONCEPT PLAN  
 PD15-2016  
 WILLOW WOOD ESTATES  
 TRACT II AND A PORTION OF  
 LOT 1, BLOCK 1 - CROSSROADS CHURCH  
 22.06 ACRES SITUATED IN THE  
 JAMES SAUNDERS SURVEY, ABSTRACT 1424  
 CITY OF ROWLETT, TEXAS  
 DALLAS COUNTY, TEXAS  
 JUNE 22, 2016**

Exhibit F

Development Schedule

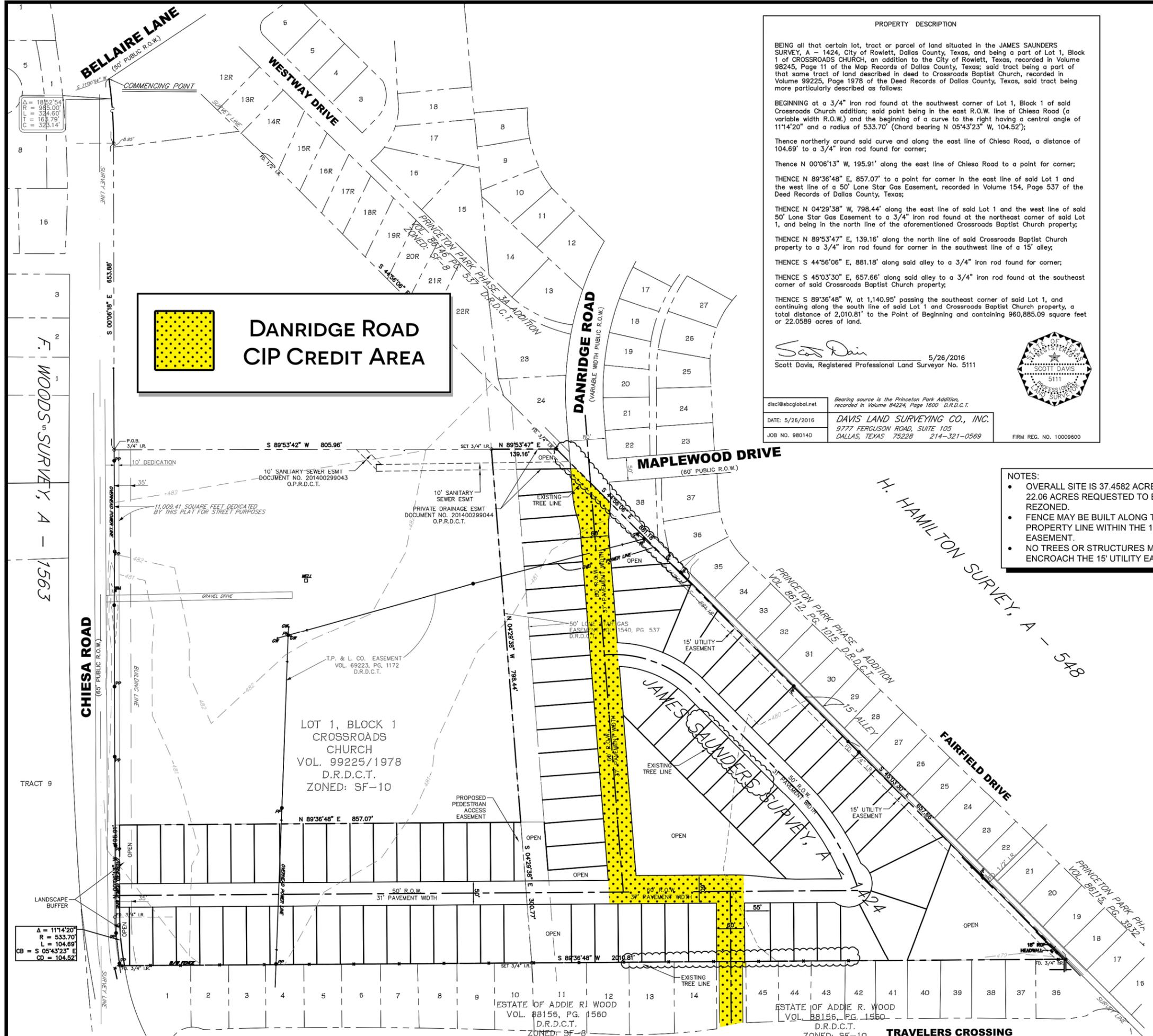
Willow Wood Estates

- Development is anticipated to start at the beginning of 2017.
- It is anticipated that Willow Wood Estates will be built out by mid-2019.
- It is anticipated that there will be 2 to 3 phases to Willow Wood Estates



7900 CHIESA RD  
PLANNED DEVELOPMENT  
Map Created: May 26, 2016

200 FT NOTICE LOCATION MAP



PROPERTY DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the JAMES SAUNDERS SURVEY, A - 1424, City of Rowlett, Dallas County, Texas, and being a part of Lot 1, Block 1 of CROSSROADS CHURCH, an addition to the City of Rowlett, Texas, recorded in Volume 98245, Page 11 of the Map Records of Dallas County, Texas; said tract being a part of that same tract of land described in deed to Crossroads Baptist Church, recorded in Volume 99225, Page 1978 of the Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a 3/4" iron rod found at the southwest corner of Lot 1, Block 1 of said Crossroads Church addition; said point being in the east R.O.W. line of Chiesa Road (a variable width R.O.W.) and the beginning of a curve to the right having a central angle of 111°4'20" and a radius of 533.70' (Chord bearing N 05°43'23" W, 104.52');

THENCE northerly around said curve and along the east line of Chiesa Road, a distance of 104.69' to a 3/4" iron rod found for corner;

THENCE N 00°06'13" W, 195.91' along the east line of Chiesa Road to a point for corner;

THENCE N 89°36'48" E, 857.07' to a point for corner in the east line of said Lot 1 and the west line of a 50' Lone Star Gas Easement, recorded in Volume 154, Page 537 of the Deed Records of Dallas County, Texas;

THENCE N 04°29'38" W, 798.44' along the east line of said Lot 1 and the west line of said 50' Lone Star Gas Easement to a 3/4" iron rod found at the northeast corner of said Lot 1, and being in the north line of the aforementioned Crossroads Baptist Church property;

THENCE N 89°53'47" E, 139.16' along the north line of said Crossroads Baptist Church property to a 3/4" iron rod found for corner in the southwest line of a 15' alley;

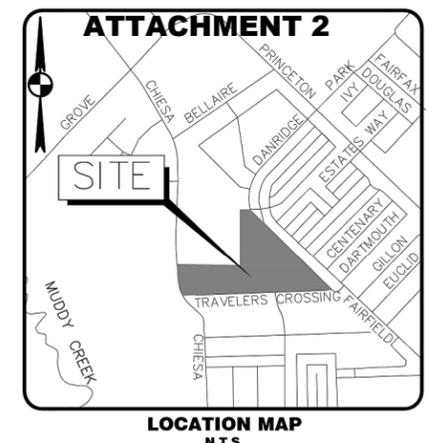
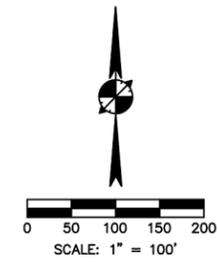
THENCE S 44°56'06" E, 881.18' along said alley to a 3/4" iron rod found for corner;

THENCE S 45°03'30" E, 657.66' along said alley to a 3/4" iron rod found at the southeast corner of said Crossroads Baptist Church property;

THENCE S 89°36'48" W, at 1,140.95' passing the southeast corner of said Lot 1, and continuing along the south line of said Lot 1 and Crossroads Baptist Church property, a total distance of 2,010.81' to the Point of Beginning and containing 960,885.09 square feet or 22.0589 acres of land.

Scott Davis  
5/26/2016  
Scott Davis, Registered Professional Land Surveyor No. 5111

disc@sbcbglobal.net Bearing source is the Princeton Park Addition, recorded in Volume 94224, Page 1600 D.R.D.C.T.  
DATE: 5/26/2016 DAVIS LAND SURVEYING CO., INC. 9777 FERGUSON ROAD, SUITE 105 DALLAS, TEXAS 75228 214-321-0569 FIRM REG. NO. 10009600  
JOB NO. 980140



PROJECT SITE DATA:

- GENERAL
- CASE NUMBER: TBD
  - NAME OF PROJECT/ DEVELOPMENT: WILLOW WOOD ESTATES
  - PROPOSED USE: PD-RESIDENTIAL (SF-5)
  - FUTURE LAND USE DESIGNATION: DT/MV, RW, RV
  - PROPOSED FUTURE LAND USE DESIGNATION: PD-RESIDENTIAL (SF-5)
  - EXISTING ZONING DISTRICT: SF-8, SF-10
  - PROPOSED ZONING DISTRICT: PD-RESIDENTIAL (SF-5)
  - APPLICABLE OVERLAYS: PD
  - APPRAISAL DISTRICT ACCOUNT NUMBERS AND COUNTY: DALLAS COUNTY
  - AP-42403510010000
  - AP-4400180010010000
- OVERALL SITE
- GROSS SITE AREA: +/- 22.06 AC
  - SITE FRONTAGE: 300 FT
  - SITE WIDTH: 1007 FT
  - SITE DEPTH: 2021 FT
  - IMPERVIOUS SURFACE AREA: 0.0 AC
  - PERVIOUS SURFACE AREA: 22.06 AC
  - ACCESSORY USE: N/A
  - OPEN SPACE: 3.10 AC (14.1%)
  - DETENTION/RETENTION: 0.96 AC (4.4%)
  - RECREATION: N/A
  - PRESERVE: N/A
  - CIVIC: N/A
  - OTHER: N/A

| HOUSING                        | TOTAL |
|--------------------------------|-------|
| TOTAL GROSS DENSITY (DU/AC)    | 4.0   |
| LOT COUNT BY TYPICAL LOT SIZE  | 89    |
| TOTAL NUMBER OF DWELLING UNITS | 89    |

- NOTES:
- OVERALL SITE IS 37.4582 ACRES WITH 22.06 ACRES REQUESTED TO BE REZONED.
  - FENCE MAY BE BUILT ALONG THE PROPERTY LINE WITHIN THE 15' UTILITY EASEMENT.
  - NO TREES OR STRUCTURES MAY ENCROACH THE 15' UTILITY EASEMENT.

| PROPERTY DEVELOPMENT REGULATIONS | REQUIRED             | PROVIDED |
|----------------------------------|----------------------|----------|
| MAXIMUM LOT COVERAGE             | 75%                  | 75%      |
| MINIMUM LOT AREA                 | 5000                 | 5500     |
| MINIMUM LOT WIDTH                | 50                   | 50       |
| MINIMUM LOT DEPTH                | 100                  | 115      |
| SETBACKS:                        |                      |          |
| FRONT SETBACK                    | 10                   | 20       |
| SIDE INTERIOR SETBACK            | 5                    | 5        |
| SIDE STREET SETBACK              | 10                   | 10       |
| REAR SETBACK                     | 25                   | 20       |
| MAX STRUCTURE HEIGHT             | 35 FT OR 2.5 STORIES |          |
| MAX NO. STORIES/FLOORS           | 35 FT OR 2.5 STORIES |          |

- NOTES:
- THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.
  - THE ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
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  - NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE. ACCORDING TO FEMA MAP #48113C0245K DATED JULY 7, 2014.
  - THOROUGHFARE ALIGNMENT(S) SHOWN ON THE EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

CIVIL ENGINEER/PREPARER:  
BURY-DW, INC.  
5310 HARVEST HILL ROAD,  
SUITE 100  
DALLAS, TEXAS 75230  
PHONE: (972) 991-0011  
CONTACT: KYLON M. WILSON P.E.  
TBPE# F-1048

OWNER:  
CROSSROADS BAPTIST CHURCH  
PO BOX 1018  
ROWLETT, TEXAS 75030

APPLICANT:  
SKORBURG COMPANY  
8214 WESTCHESTER  
SUITE 710  
DALLAS, TEXAS 75225  
PHONE: (214) 888-8855  
CONTACT: SEAN LINGENFELTER

**EXHIBIT G**  
DANRIDGE ROAD CIP CREDIT EXHIBIT  
PD115-2016  
WILLOW WOOD ESTATES  
TRACT II AND A PORTION OF  
LOT 1, BLOCK 1 - CROSSROADS CHURCH  
2206 ACRES SITUATED IN THE  
JAMES SAUNDERS SURVEY, ABSTRACT 1424  
CITY OF ROWLETT  
DALLAS COUNTY, TEXAS  
JUNE 8, 2016





Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

06-14-16A10:41 RCVD

RE: Application for a Zoning Change

LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: BECAUSE WE ALREADY HAVE HOUSES AROUND US IT WILL LOOK VERY NICE, COMPLIMENTS NEIGHBORS AND

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

CROSSROADS CHURCH

Cross Roads CHURCH

Gene Wilkinson

7900 CHEISA Rd, Rowlett, TX 75088

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 7:00 p.m. on the 14<sup>th</sup> of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5<sup>th</sup> of July, 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, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 29, 2016, to be included in the City Council packet. All responses received by Wednesday, June 29, 2016, 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.

If you have any questions concerning this request, please contact the Department of Development Services

Phone 972-412-6166

FAX 972-412-6228

[glangford@rowlett.com](mailto:glangford@rowlett.com)

RETURN BY FAX OR MAIL

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099





Department of Development Services

NOTICE OF PUBLIC HEARING

06-28-16A09:48 RCVD

TO: Property Owner
RE: Application for a Zoning Change

LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

COMMENTS: In the 18+ years I have lived here I am thrilled that this land will be developed. I am tired of the unwelcome wildlife that appears in my yard. This will add value to the surrounding area.

PROPERTY OWNER NAME: JILL A. PETERS
SIGNATURE: [Handwritten Signature]
ADDRESS: 7017 FAIRFIELD DR.

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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 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, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 29, 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 instructions by fax or mail.





Department of Development Services

NOTICE OF PUBLIC HEARING

06-29-16P02:21 RCVD

TO: Property Owner
RE: Application for a Zoning Change

LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

COMMENTS: Please see attached sheet

PROPERTY OWNER NAME

(print):

Diane & Sherry Burton

SIGNATURE:

[Handwritten signature]

ADDRESS:

7013 Travelers Crossing, 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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 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, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 29, 2016, to be included in the City Council packet.

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Table with 2 columns: Contact information for questions and Return by Fax or Mail address.



Comments for Zoning Change

1. Increase in population in the area will increase traffic. Chiesa Road is in need of repairs beyond the “patchwork” repairs that have occurred over the years. The increase in traffic flow will worsen the road conditions. The issue of Chiesa Road being able to support this increase in traffic needs to be addressed.
2. The intersection of Liberty Grove and Chiesa Road needs to be addressed as currently it is a difficult and dangerous intersection to navigate. During morning work traffic hours Chiesa Road backs up significantly. With the increase in traffic population due to more housing, this will exasperate the current problem.
3. There will be an increase in noise and other nuisances. This issue in rezoning has been addressed in prior cases and found to be a reasonable argument. For example, in Dekalb Co v. Wapensky, 253 Ga. 47, 315 S.E.2d 873 (1984) the court held, “In the present case not only was there testimony that the value of the neighboring properties would be reduced, but that additional damages in the form of noise, odor, and visual intrusion on peace and privacy would occur to deny in varying degrees the complainants’ use of their property.”
4. The higher population density will decrease current property values in the area.
5. We would request that this rezoning decision be postponed until the Fall, and that another hearing be held at that time. This request is due to the fact that many of the home owners affected by this rezoning have families, and are currently out of town during the summer break from school. We would appreciate the opportunity to represent ourselves at the City Council meeting. If you look back at the prior request for rezoning of this piece of land you will find in the records that a large number of citizens attended and participated in the decision making process. This timing consideration would definitely influence the opinion of voters during the next election.

Sherry Burton

7013 Traveler’s Crossing

Rowlett, Tx 75089

972-463-5166



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner 06-14-16A10:43 RCVD  
**RE:** Application for a Zoning Change  
**LOCATION:** The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

**COMMENTS:** Chiesa & Liberty Grove cannot handle more traffic as they cannot handle the current traffic.

**PROPERTY OWNER NAME (print):** Gail Roesle  
**SIGNATURE:** Gail Roesle  
**ADDRESS:** 7605 Fairfield Dr. Lower income homes could lower existing surrounding property value

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 7:00 p.m. on the 14<sup>th</sup> of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5<sup>th</sup> of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact the Department of Development Services  
 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

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





Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner  
RE: Application for a Zoning Change  
LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

COMMENTS: Decrease in our property values  
This being used for lower income housing

PROPERTY OWNER NAME (print): CHARLES & DARENDA LITTLE  
SIGNATURE: Charles Little, Darenda Little  
ADDRESS: 7201 AIRLINE DR., 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 7:00 p.m. on the 14<sup>th</sup> of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5<sup>th</sup> of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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|  |  |
|--|--|
| <p>If you have any questions concerning this request, please contact the Department of Development Services<br/>Phone 972-412-6166<br/>FAX 972-412-6228<br/><a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p> | <p>RETURN BY FAX OR MAIL<br/>City of Rowlett<br/>Development Services<br/>PO Box 99<br/>Rowlett, TX 75030-0099</p> |
|--|--|





Department of Development Services

NOTICE OF PUBLIC HEARING

06-09-16P02:03 RCVD

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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.

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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:

LOWER PROPERTY VALUES WITH SMALLER LOTS

PROPERTY OWNER NAME (print):

ROBERT WINGA

SIGNATURE:

[Handwritten Signature]

ADDRESS:

7205 TRAVELERS CROSSING ROWLETT TX 75089

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Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099





Department of Development Services

NOTICE OF PUBLIC HEARING

06-08-16A08:31 RCVD

TO: Property Owner
RE: Application for a Zoning Change
LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, City of Rowlett, Dallas County, Texas.

EXPLANATION OF REQUEST: The applicant requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

COMMENTS:

PROPERTY OWNER NAME

(print): Mitchell Herrera

SIGNATURE: [Handwritten Signature]

ADDRESS: 7113 Travelers Crossing

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Department of Development Services

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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: THIS REZONING WILL INCREASE THE POPULATION DENSITY OF THIS AREA

AND INCREASE THE PROPERTY TAXES OF EXISTING ADJACENT PROPERTIES

PROPERTY OWNER NAME

(print): FREDRIC J AND GLORIA J. CARLSON

SIGNATURE: Fredric J and Gloria J Carlson

ADDRESS: 717 TRAVELERS CROSSING, ROWLETT, TX 75089

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**Department of Development Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for a Zoning Change

06-03-16P02:07 RCVD

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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:**

**PROPERTY OWNER NAME**

(print):

Jason M. Pooter

**SIGNATURE:**

*Jason M. Pooter*

**ADDRESS:**

7218 Saturn Drive Rowlett TX 75089

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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  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME

(print):

Kathy Vanciel / Kathy Vanciel

SIGNATURE:

7302 Maplewood Rowlett, TX 75089

ADDRESS:

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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: 1) SFS is too Dense. SF8 would be better. 2) Chiesa Rd cannot handle the additional volume of traffic. 3) SFS only allows front entry, J-swing are better. 4) Current Market can support FS-8.

PROPERTY OWNER NAME (print): Joey Boyd
SIGNATURE: [Signature]
ADDRESS: 7301 Fairfield Drive, Rowlett, TX 75089

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Table with 2 columns: Contact information for questions and return-by-fax/mail instructions.

06-06-16A07:32 RCVD



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

05-10-16A09:00 RCVR

TO: Property Owner
RE: Application for a Zoning Change
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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: OPPOSED smaller lots - please keep standards the same
Concerns about effecting market values, conditions, not smaller but bigger.
PROPERTY OWNER NAME Location would be great for parks, playgrounds.
MARK HOOD

SIGNATURE: [Signature]
ADDRESS: 6701 Fairfield Rowlett TX 75089

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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: EXCESS TRAFFIC & CONJECTION

PROPERTY OWNER NAME

(print): O.L. CHURCHMAN
SIGNATURE: DL Churchman
ADDRESS: 7309 COMPASS POINT DRIVE, ROWLETT, TX 75089

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Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

06-14-16A10:41 RCVD

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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: Excessive traffic... Income values homes - decrease value of my neighborhood

PROPERTY OWNER NAME (print): Kimberly Watwood
SIGNATURE: [Handwritten Signature]
ADDRESS: 7302 Compass Pt. Rowlett, TX

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Handwritten mark



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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

06-28-16A09:48 RCVD

PROPERTY OWNER NAME

(print): Kelli Calhoun

SIGNATURE: KCalhoun

ADDRESS: 7218 Journeys End Rowlett, TX 75089

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**Department of Development Services**

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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:** *additional options in type of homes + lots in Rowlett is a positive move; concerns of front entry + street parking should not impact neighborhood + may slow traffic flow. Landscaping offered by developer seems adequate without restrictions by committee.*

**PROPERTY OWNER NAME** (print): Donna J. Gates  
**SIGNATURE:** Donna J. Gates  
**ADDRESS:** 7918 Straits Dr., Rowlett, TX 75088

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|   |   |
|---|---|
| <p>If you have any questions concerning this request, please contact the Department of Development Services<br/>                 Phone 972-412-6166<br/>                 FAX 972-412-6228<br/> <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p> | <p><b>RETURN BY FAX OR MAIL</b><br/>                 City of Rowlett<br/>                 Development Services<br/>                 PO Box 99<br/>                 Rowlett, TX 75030-0099</p> |
|---|---|

*outside notice area*



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME

(print):

Nathan & Kimberly Lynch

SIGNATURE:

[Handwritten signatures of Nathan and Kimberly Lynch]

ADDRESS:

8817 Lochgreen Ln, Rowlett 75089

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City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

05-14-16A08:15 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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: developing the community with more housing will help the city of Rowlett!

PROPERTY OWNER NAME (print): Michael MARROQUIN
SIGNATURE: [Signature]
ADDRESS: 9217 Fairmont cir. Rowlett TX 75088

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Table with 2 columns: Contact information for questions and return-by-fax/mail instructions.



00-14-10A00:15 RCVD

**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Zoning Change

**LOCATION:** The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

**COMMENTS:** TO BETTER THE COMMUNITY

**PROPERTY OWNER NAME** (print): ROBERT DEWONKOR

**SIGNATURE:** [Signature]

**ADDRESS:** 6822 CONESTOGA DR ROWLETT 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 7:00 p.m. on the **14<sup>th</sup> of June, 2016**, and that the City Council will hold a public hearing at 7:30 p.m. on the **5<sup>th</sup> of July, 2016**. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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|   |  |
|---|--|
| <p>If you have any questions concerning this request, please contact the Department of Development Services</p> <p style="text-align: center;">Phone 972-412-6166<br/>FAX 972-412-6228<br/><a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p> | <p><b>RETURN BY FAX OR MAIL</b></p> <p>City of Rowlett<br/>Development Services<br/>PO Box 99<br/>Rowlett, TX 75030-0099</p> |
|---|--|

00-14-10A08:15 RLVU



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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.

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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: Builders Community

PROPERTY OWNER NAME (print):

Maria Sosa

SIGNATURE:

3133 Chiesa Rd Rowlett TX 75088

ADDRESS:

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Phone 972-412-6166

FAX 972-412-6228

glangford@rowlett.com

RETURN BY FAX OR MAIL

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

00-14-16A08:15 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:

Better connect.

PROPERTY OWNER NAME (print):

SIGNATURE:

ADDRESS:

[Handwritten signature and address: 3133 Chiesa Road Rowlett TX 75088]

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glangford@rowlett.com

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PO Box 99
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06-14-16A08:15 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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

COMMENTS: To better the community

PROPERTY OWNER NAME (print): Pat Shores
SIGNATURE: 24 Hillridge Dr.
ADDRESS: Rowlett, Tx 75089

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06-14-16A08:15 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME (print):

Carol Helleson

SIGNATURE:

Carol Helleson

ADDRESS:

8409 SCOTTSDALE DR

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City of Rowlett

Development Services

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Department of Development Services

NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME (print):

George Hefleson

SIGNATURE:

George Hefleson

ADDRESS:

8409 Cottedale Dr

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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:

PROPERTY OWNER NAME

(print): Laura James

SIGNATURE: [Signature]

ADDRESS: 7201 Aberdeen Dr.

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME (print): \_\_\_\_\_  
 SIGNATURE: *Chris M. Goff*  
 ADDRESS: *2402 W. Wesley Rd Rowlett TX 75089*

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|---|---|

06-14-16A08:15 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Martha Guth
Martha Guth

2402 Wellesly Rd Rowlett TX 75089

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06-14-16A08:15 RCVD

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NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Larry Mitchell
LR Mitchell
6510 Bunker Hill Ct. Rowlett 75089

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06-14-16A08:14 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:

PROPERTY OWNER NAME

(print): Nancy Mitchell

SIGNATURE: Nancy Mitchell

ADDRESS: 6510 Bunker Hill Ct Rowlett TX 75089

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If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for a Zoning Change  
**LOCATION:** The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

**COMMENTS:** *There is shortage houses in the area.*

**PROPERTY OWNER NAME (print):** *Christin Robinson*  
**SIGNATURE:** *[Signature]*  
**ADDRESS:** *6101 Farrington Ln. Rowlett, TX. 75089*

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|---|---|

046608

06-14-16A08:14 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Application for a Zoning Change

LOCATION: The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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.

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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: Increase Property Value

PROPERTY OWNER NAME (print):

Robert G. M. Gowen

SIGNATURE:

[Handwritten Signature]

ADDRESS:

2910 Straits Dr., Rowlett, TX 75088

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05/14/16

**ATTACHMENT 4**

05-14-16A08:14 RCVD



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Zoning Change

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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:** TO INCREASE PROPERTY VALUE

**PROPERTY OWNER NAME (print):** Lydia DeYonker

**SIGNATURE:** *Lydia DeYonker*

**ADDRESS:** 6822 CONESTOGA DRIVE, ROWLETT 75089

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Department of Development Services

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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: There is a shortage of housing

PROPERTY OWNER NAME (print): Randy Wilson
SIGNATURE: [Handwritten Signature]
ADDRESS: 7802 Wilmington 75089

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00-14-16A08:14 RCVD



Department of Development Services

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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:** *The church will grow and reach out to the community to meet the needs of Rowlett citizens*

**PROPERTY OWNER NAME (print):** *Pam Wilson*  
**SIGNATURE:** *Pam Wilson*  
**ADDRESS:** *7802 Wilmington 75089*

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Department of Development Services

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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: Amazing opportunity To See Rowlett Bring more families into this awesome neighborhood and a church that is big enough for the demand of new families. I have been attending this church for years as well as the Rowlett Community.

PROPERTY OWNER NAME (print): Lynn Skinner

SIGNATURE: [Handwritten Signature]

ADDRESS: 1721 Bison Meadows, Heath, TX 75032

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

06-14-16A10:35 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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:** Growth is great for our community.

**PROPERTY OWNER NAME (print):** Stacy Mier  
**SIGNATURE:** *Stacy Mier*  
**ADDRESS:** 7818 Salzburg Rowlett, Tx 75089

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 City of Rowlett  
 Development Services  
 PO Box 99  
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06-14-16A10:35 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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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: There are not enough available homes currently. I have

been looking for 5 months and having issues because they get sold almost before I look.

PROPERTY OWNER NAME (print):

SIGNATURE: [Handwritten Signature]

ADDRESS: 4505 Ebb Tide Drive

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Table with 2 columns: Contact information for questions and Return by Fax or Mail address.

Handwritten initials 'DW' in red ink.



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner 06-14-16A10:42 RCVD
RE: Application for a Zoning Change

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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:

PROPERTY OWNER NAME

(print): Joel Butler

SIGNATURE: 8014 Straits Rowlett Tx 75088

ADDRESS:

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OUTSIDE NOTICE

**ATTACHMENT 4**



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

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06-14-16A10:42 RCVD

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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:**

**PROPERTY OWNER NAME**

(print):

8014 Straits Rowlett, TX 75088

**SIGNATURE:**

Hannah Butler

**ADDRESS:**

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FAX 972-412-6228

[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

*o.w.*

**ATTACHMENT 4**



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

06-14-16A10:42 RCVD

**RE:** Application for a Zoning Change

**LOCATION:** The subject property is located at 7900 Chiesa Road further described as being 26.06 +/- acres consisting of all of Tract I in the James Saunders Survey, Abstract No. 1424, and a portion of Lot 1, Block 1, Crossroads Church Addition, 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 requests a rezoning from the existing Single Family-10 and Single Family-8 Zoning Districts to a Planned Development District with an underlying Single Family-5 (SF-5) base zoning district to build a single family subdivision. (PD115-2016)

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

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

*JEFF BUTLER*

**PROPERTY OWNER NAME**

(print):

*Jeff Butler*

**SIGNATURE:**

*8014 Streets Rowlett, TX 75088*

**ADDRESS:**

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

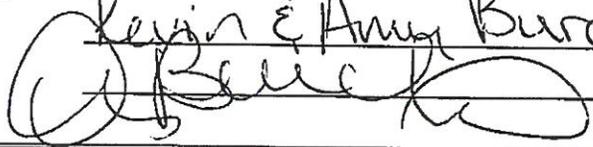
**COMMENTS:**

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

*Kevin & Anna Burch*  
  
 10328 Liberty Grove Rd  
 Rowlett TX 75089

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**ATTACHMENT 4**



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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

*Joshua W. Walker*  
*7910 Seelye McKinley Dr Rowlett 75085*

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

**PROPERTY OWNER NAME**

(print): Oneyda Walker

**SIGNATURE:** Oneyda Walker

**ADDRESS:** 7810 Salzburg Drive Rowlett, TX 75089

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

TO IMPROVE THE CITY OF ROWLETT.

**PROPERTY OWNER NAME**

(print):

James Sexton

**SIGNATURE:**

8213 LAKE BEND DR. ROWLETT TX 75088

**ADDRESS:**

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

**PROPERTY OWNER NAME**

(print):

*Kevin Byrck*

**SIGNATURE:**

*[Signature]*

**ADDRESS:**

*10328 Liberty Grove Rd 75089*

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Department of Development Services

NOTICE OF PUBLIC HEARING

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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: I believe it will make all home owners around us proud that homes will be built in this area

PROPERTY OWNER NAME (print):

Crossroads Church
Mary Ann Wilkerson

SIGNATURE:

Mary Ann Wilkerson

ADDRESS:

7900 Chiesa Rd Rowlett Texas 75089

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

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

**AGENDA DATE:** 07/05/16

**AGENDA ITEM:** 8C

**TITLE**

Conduct a public hearing and consider an ordinance to allow a Special Use Permit to allow an accessory building that does not meet the requirements in Section 77-303 of the Rowlett Development Code. The subject property is located at 7714 Princeton Road further described as being a 6.89 +/- acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, City of Rowlett, Dallas County, Texas. (SUP126-2016)

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner  
Katy Goodrich, MPA, Planner I

**SUMMARY**

The property owners are requesting a Special Use Permit (SUP) to allow them to build a 1,200 square-foot metal accessory building on their property at 7714 Princeton Road (Attachment 1 – Location Map). An SUP is needed as the accessory building does not meet the material and size requirements in Section 77-303 of the Rowlett Development Code (RDC).

The Planning and Zoning Commission unanimously recommended approval of this item at their June 14, 2016, regular meeting. The item was discussed under Item C1, which can be viewed at the following link: <http://rowlettx.swagit.com/play/06142016-1485>.

**BACKGROUND INFORMATION**

The subject property at 7714 Princeton Road is a 6.8906 acre lot zoned Single Family 8. It has a 2,366 square-foot single-family home and is located in the Hanse Hamilton Abstract, northwest of Dalrock Road. The applicant is proposing to construct an accessory building that he will use to store two flat utility trailers, ATV machines, and a finish mower. There is another accessory building on the property that is 3,200 square feet. A Special Use Permit was approved on April 18, 2000 to allow the construction of this building (ORD 4-18-00C). This accessory building is located next to the site of the proposed 1,200 square feet accessory building and the proposed accessory building will use the same metal materials and coloring (Attachment 2 – Building Plan Set).

The accessory building totals 1,200 square feet in size (Attachment 2 – Building Plan Set). The accessory building is located seven feet from the front property line to the west, 99 feet from the side property line to the north, and 460 feet from the rear property line to the east. The exterior of the accessory building consists of tan metal r-panel (Attachment 2 – Building Plan Set). The structure is 14 and a half feet in height at the middle point and 12 feet in height for the walls and does not exceed the height of the house.

## DISCUSSION

The RDC permits an accessory building that does not meet the size and material requirements with the approval of a Special Use Permit. 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.” Some of the properties within the Hanse Hamilton Abstract, according to Dallas Central Appraisal District, have existing oversized accessory buildings ranging from 864 square feet to 2,950 square feet in size. Site visit confirms that almost all of the oversized accessory buildings have metal exteriors. A request for an oversized metal accessory building in this area is not out of context with the surrounding properties.***

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

***Accessory buildings are allowed in residential zoning districts provided they meet the requirements previously mentioned. The table below shows what is required versus what is being proposed. The accessory building meets the setback and lot coverage requirements, but it will exceed the maximum size of 500 square feet. The lot coverage was calculated by including all existing structures and impervious surfaces with the proposed structure.***

| <b><i>Use standard</i></b>           | <b><i>Regulation</i></b> | <b><i>Proposed Structure</i></b> |
|--------------------------------------|--------------------------|----------------------------------|
| <b><i>Max. size</i></b>              | <i>500 square feet</i>   | <i>1,200 square feet</i>         |
| <b><i>Max height</i></b>             | <i>35 feet</i>           | <i>14.5 feet</i>                 |
| <b><i>Min. side yard setback</i></b> | <i>3 feet</i>            | <i>7 feet</i>                    |
| <b><i>Max Lot Coverage</i></b>       | <i>45%</i>               | <i>.18%</i>                      |
| <b><i>Max Rear Yard Coverage</i></b> | <i>35%</i>               | <i>2.15%</i>                     |

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

***The applicant is requesting a Special Use Permit to construct an accessory structure that does not meet the before mentioned requirements.***

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

***This is an accessory building that has 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.***

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. This SUP will not increase any demands on utilities.***

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

***Oversized metal accessory buildings are common in this larger lot area. The aesthetics of the building will be appealing due to a darker trim around the edges of the building. The accessory building will not be able to be seen from the street if standing in front of the driveway due to it being off to the side of the fork in the driveway and behind an existing home with shrubbery.***

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

***The 1,200 square-foot accessory building is slightly more than half the size of the 2,366 square-foot house and is located on an almost 7 acre lot. It is Staff's opinion that the size of the accessory building, in relation to size of the home, the property, and the surrounding area is within suitable proportions and therefore is suitable for the subject property.***

It is staff's opinion that the request for a 1,200 square-foot accessory building is appropriate and recommends approval. Staff believes this request meets the criteria listed above.

### **PUBLIC NOTICE**

On May 27, 2016, a total of 32 notices were mailed to property owners within 200 feet and a total of 63 courtesy notices were mailed to property owners within 500 feet. As of June 29, 2016, 13 notices were received in favor of the request and nine were received in opposition. The responses are available in Attachment 3 – Returned Public Notices.

Staff published the Legal Notice in the Dallas Morning News on June 2, 2016, and placed a zoning sign on the subject property on June 2, 2016, in accordance with the Rowlett Development Code.

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

N/A

### **RECOMMENDED ACTION**

Staff recommends approval of the request.

### **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 7714 PRINCETON ROAD BEING FURTHER DESCRIBED AS BEING A 6.89 +/- ACRE PARCEL LOCATED IN TRACT 53.1 OF THE HANSE HAMILTON SURVEY, ABSTRACT 548, PAGE 595, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, TO AUTHORIZE THE CONSTRUCTION OF 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 (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING FOR 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 7714 Princeton Road further described as being a 6.89 +/- acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, City of Rowlett, Dallas County, Texas, ("Property"), said property being zoned as Single Family Residential District – SF-8, to authorize the construction of 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 dimensions of the accessory structure shall be approximately 30 feet wide by 40 feet in length (1,200 square feet);
2. The exterior walls and roof of the accessory structure may be constructed of metal;
3. The accessory structure shall be constructed on the Property in the dimensions and location set forth in Exhibit "A," attached hereto and incorporated herein, and shall comply with all required setback and lot and rear yard coverage requirements imposed by the Development Code;
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 SF-8 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; and
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 (\$2,000.00) Dollars 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 – Site Plan

Attachment 1 – Location Map

Attachment 2 – Building Plan Set

Attachment 3 – Returned Public Notices

Attachment 4 – Pictures of the Site

Attachment 5 – Properties with Oversized Accessory Buildings in the Area





IVY LN  
LAUREN LN  
PRINCETON RD  
ESTATES WAY  
BRYN MAWR DR  
AIRLINE DR  
GENTENARY DR  
DARTMOUTH DR  
GILLON DR  
EUCLID DR  
ARMSTRONG LN

BORDEAUX LN  
CLARIMONT AVE  
CLAIREMONT AV AVE  
DOUGLAS AVE

7714 PRINCETON RD

PACIFIC PEARL DR  
CREEK VIEW DR  
CREEK WOOD DR  
YACHT CLUB DR  
WEATHERLY DR  
RAINBOW DR  
AZURRA DR  
SPINNAKER CV  
DALROCK RD



0 165 330 Feet

Rowlett City Council  
Rowlett, Texas

May 19, 2016

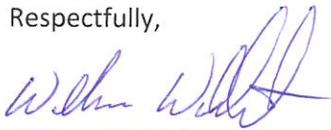
SUBJECT: Request for Minor Special Use Permit

Dear Council,

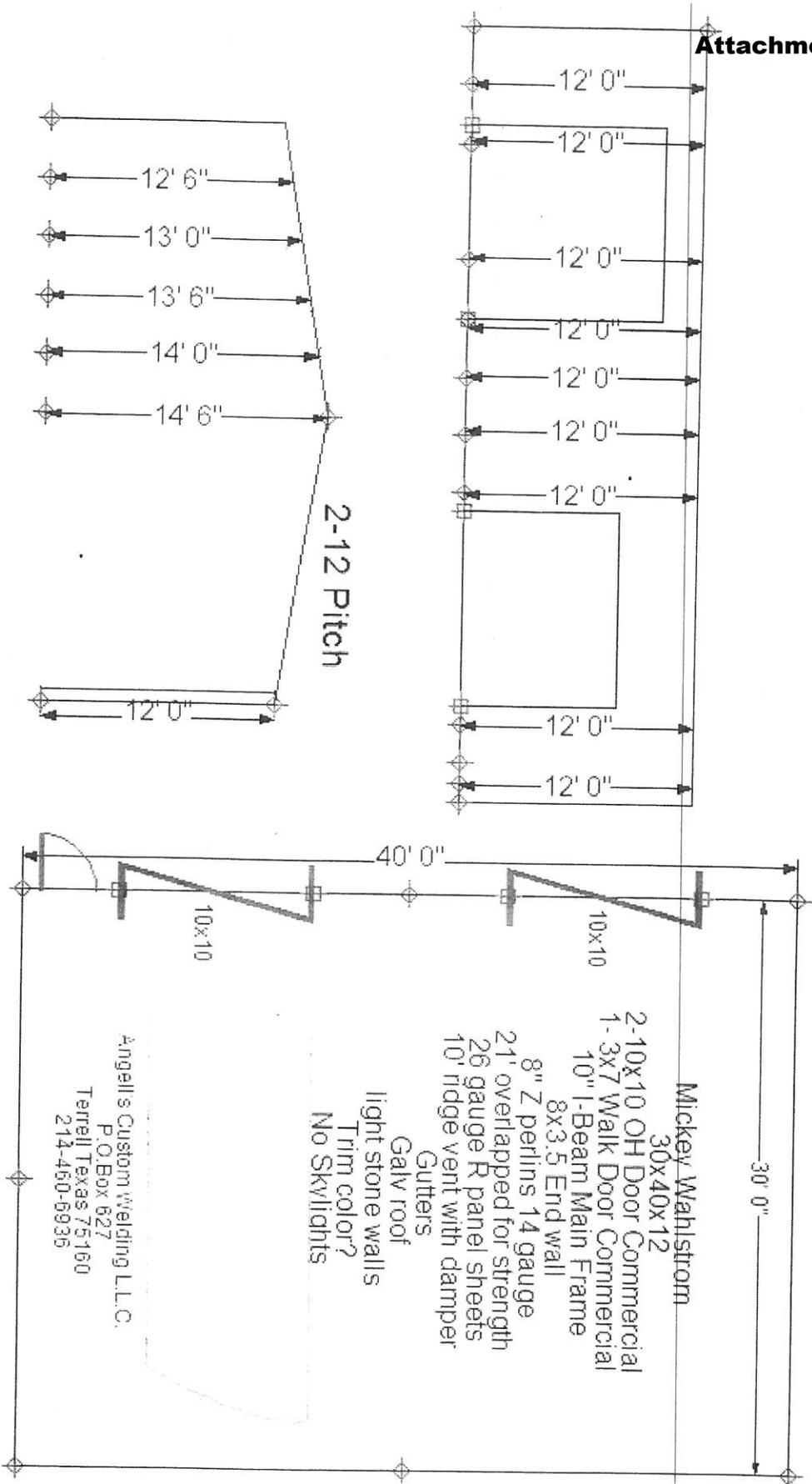
My name is William Wahlstrom. My wife and family have resided at 7714 Princeton Rd. since 1984. During this time we have established a homestead of approximately 7 acres which includes our house, garage, barn and shop. I have included photos of the shop that was constructed 14 years ago. At this time, I am requesting a Minor Special Use Permit to construct a storage building adjacent to the shop where I will store my two flat utility trailers, ATV machines, and finish mower. This building will match the adjacent shop and be concealed from the line of sight from the road behind an evergreen hedgerow. You can see from the aerial view, plat, and photos where this proposed building will be located.

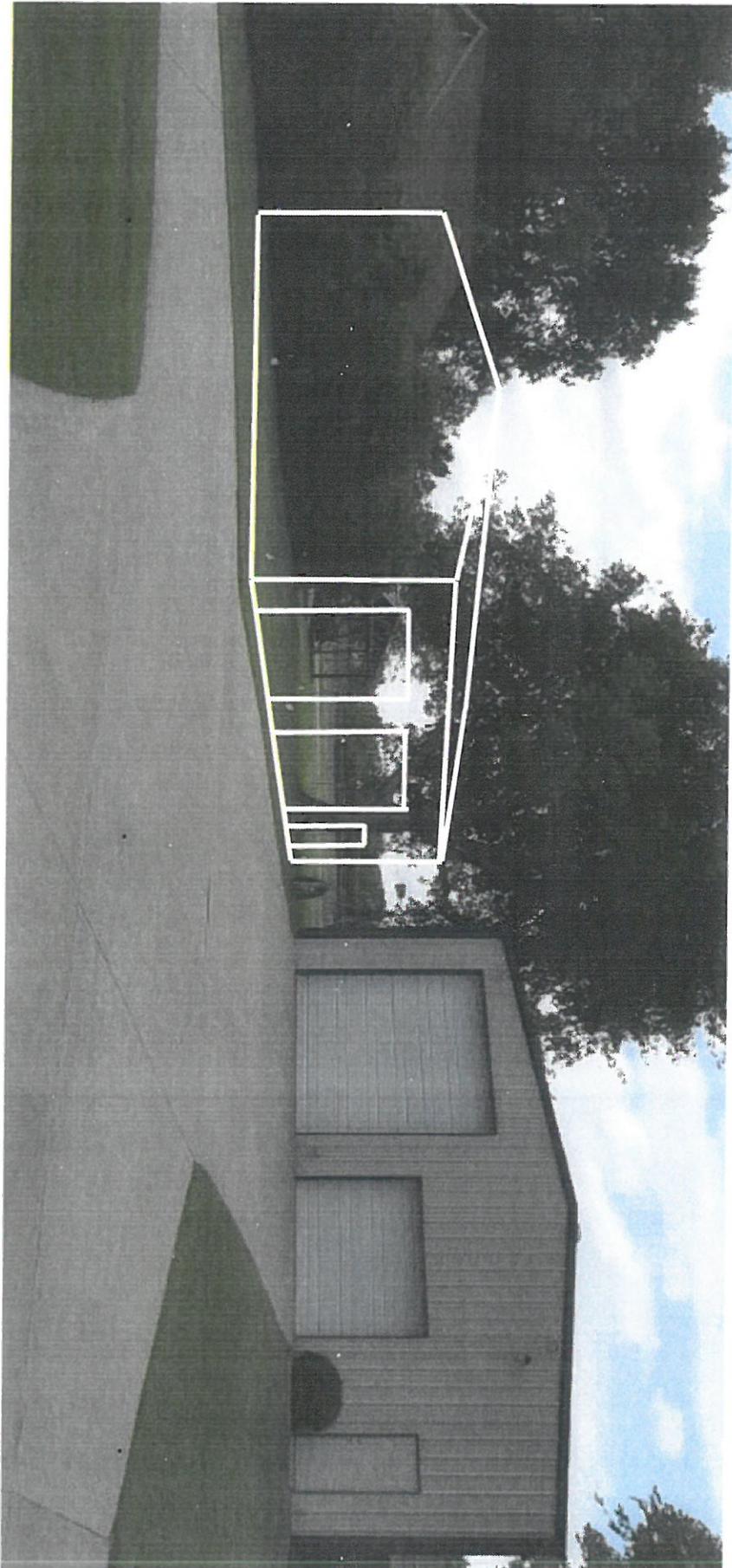
Thank you for considering this request.

Respectfully,



William Wahlstrom  
Homeowner







Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

06-08-16A08:31 RCVD

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 7714 Princeton Road further described as being a 6.89 +/- acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, City of Rowlett, Dallas County, Texas. A map is attached for reference.
EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road. A Special Use Permit is needed as the applicant's proposal does not meet size and material requirements in Section 77-303 of Rowlett Development Code. (SUP126-2016)

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

COMMENTS: This is a residential zone; and with a building like this one, we will start becoming a commercial zone

PROPERTY OWNER NAME (print): Paola Gomez
SIGNATURE: Paola Gomez
ADDRESS: 7701 Gilman Dr. 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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.
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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
PO Box 99
Rowlett, TX 75030-0099



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

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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: As long as it's not for commercial use.

PROPERTY OWNER NAME

(print):

Dewight E & Darlene E Smith

SIGNATURE:

Darlene E. Smith

ADDRESS:

7806 Creek View Dr. Rowlett, TX 75089

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EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road.

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

COMMENTS: I don't know where exactly he intends to build. This structure could block my country view in the backyard. The view was one of the reasons I bought my house.

PROPERTY OWNER NAME (print): Brian Hodgkinson
SIGNATURE: Brian Hodgkinson
ADDRESS: 7618 Creekwood Dr. 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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 2016.

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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.

Table with 2 columns: Contact information for questions (phone, fax, email) and Return by Fax or Mail address (City of Rowlett, Development Services, PO Box 99, Rowlett, TX 75030-0099).



Department of Development Services

NOTICE OF PUBLIC HEARING

05-08-16A08:31 RCVD

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EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road.

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

COMMENTS:

PROPERTY OWNER NAME

(print):

Kathy Vanciel / Kathy Vanciel

SIGNATURE:

7613 Gillon Rowlett, TX 75089

ADDRESS:

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Attachment 3



Department of Development Services

NOTICE OF PUBLIC HEARING

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EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road. A Special Use Permit is needed as the applicant's proposal does not meet size and material requirements in Section 77-303 of Rowlett Development Code. (SUP126-2016)

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

COMMENTS: We want to keep the country feel of the area without extra noise + eye sores. Thanks

PROPERTY OWNER NAME (print): Rusty Pierce
SIGNATURE: [Signature]
ADDRESS: 7709 Chestwood Dr. Rowlett Tx. 75089

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Attachment 3



Department of Development Services

NOTICE OF PUBLIC HEARING

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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: Would like to keep it as it currently is
My property is behind at would like to keep it feeling country

PROPERTY OWNER NAME Don't know about the noise or what that's used for.
(print): Jody Wilboen
SIGNATURE: Jody Wilboen
ADDRESS: 7702 Creek Wood Dr. Rowlett, TX 75089

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NOTICE OF PUBLIC HEARING

06-08-16A08:31 RCVD

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EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road.

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

COMMENTS: THIS shed would be used to house equipment. This would cause no problems

PROPERTY OWNER NAME (print): LONNIE Mc SWAIN
SIGNATURE: Lonnie Mc Swain
ADDRESS: 7726 PRINCETON RD - 75089

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Checked box for 'I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:'

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

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Billy Coonrod + Tina Coonrod

SIGNATURE:

Tina Coonrod

ADDRESS:

8213 Balrock Rd

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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:

PROPERTY OWNER NAME

(print):

THOMAS B. WRIGHT

SIGNATURE:

Thomas B. Wright

ADDRESS:

8221 DALROCK, 75089

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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: THE OWNER OF THIS PROPERTY WILL BUILD WITH PROPER MATERIALS AND WILL MAINTAIN IT VERY WELL (AS PROVEN WITH EXISTING STRUCTURES)

PROPERTY OWNER NAME: BONNIE RUTH ANDREWS
(print): Bonnie Ruth Andrews
SIGNATURE:
ADDRESS: 7710 Princeton Road, Rowlett, Texas 75089

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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
PO Box 99
Rowlett, TX 75030-0099



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 7714 Princeton Road further described as being a 6.89 +/- acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a 1,200 square-foot metal accessory building located at 7714 Princeton Road.

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

COMMENTS:

PROPERTY OWNER NAME

(print):

John Woodruff

SIGNATURE:

[Handwritten Signature]

ADDRESS:

7614 Creek Wood Dr. Rowlett, TX 75089

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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: Spoke to Dept. of Development and found the use and location of bldg. Doesn't affect me.

PROPERTY OWNER NAME (print): Lori & Zane Miller

SIGNATURE: Lori Miller

ADDRESS: 7606 Creekwood Dr - 75089

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Department of Development Services

NOTICE OF PUBLIC HEARING

06-02-16A10:54 RCVD

TO: Property Owner

RE: Application for a Special Use Permit

LOCATION: The subject property is located at 7714 Princeton Road further described as being a 6.89 ± acre parcel located in Tract 53.1 of the Hanse Hamilton Survey, Abstract 548, Page 595, 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.

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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:

owner should have the ability to make improvements to their property and everything done so far looks good

PROPERTY OWNER NAME

(print):

Greg Parris

SIGNATURE:

[Signature]

ADDRESS:

7718 Princeton Rd

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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:

PROPERTY OWNER NAME

(print):

Reed Buley

SIGNATURE:

[Handwritten signature]

ADDRESS:

7602 Creek Wood

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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: SUCH BUILDING WOULD BE UNSIGHTLY, IN THE MIDDLE OF A RESIDENTIAL, FAMILY COMMUNITY. STAY TRUE TO ORIGINAL INTENT.

PROPERTY OWNER NAME: RONALD GUEN SPENCER, PH.D.
SIGNATURE: [Handwritten Signature]
ADDRESS: 7518 DARTMOUTH DR, ROWLETT TX 75089

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Julian Alexander

SIGNATURE:

J. R. Alexander

ADDRESS:

7516 Princeton Rd

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[X] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: The fact that rezoning will affect my property I opposed on this plan because it's a residential place.

PROPERTY OWNER NAME (print): JOAQUIN MARANCA
SIGNATURE: [Signature]
ADDRESS: 7609 GILSON DR. ROWLETT, TX 75089

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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: This metal accessory building will degrade further the property value of homes. This is the reason Section 77-303 was created.

PROPERTY OWNER NAME (print): EDWIN J. MONES
SIGNATURE: [Handwritten Signature]
ADDRESS: 7517 DARTMOUTH DR.

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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: Bldg seems to be too large to have a place in a residential area

PROPERTY OWNER NAME (print): HOPE KEEM
SIGNATURE: Hope Keem
ADDRESS: 7705 Creek View CT

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06-14-16P02:39 RCVD



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

COMMENTS: Increase property value, greater tax revenue for city and schools

PROPERTY OWNER NAME (print): George Beck
SIGNATURE: [Signature]
ADDRESS: 7818 Princeton Rd Rowlett TX 75089

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Increase property value, greater tax revenue for schools;

PROPERTY OWNER NAME (print): George Beck
SIGNATURE: [Signature]
ADDRESS: 7602 Dartmouth Dr, Rowlett TX 75089

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Most everyone on our side of the street have a 2000 +/- sq ft 4 large buildings, this individual keeps his property nice always

PROPERTY OWNER NAME (print): CHARLIE EDWARD BRINKLEY
SIGNATURE: [Signature]
ADDRESS: 7730 PRINCETON RD.

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Handwritten signature and address: 7506 Gillon Dr, 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 7:00 p.m. on the 14th of June, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 5th of July, 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, June 8, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, June 29, 2016, to be included in the City Council packet. All responses received by Wednesday, June 29, 2016, 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
PO Box 99
Rowlett, TX 75030-0099

7714 Princeton Road SUP

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**Oversized Accessory Buildings**

- 7710 Princeton – 900
- 7818 Princeton – 864
- 7210 Princeton – 2240
- 7610 Dalrock – 900
- 8005 Dalrock – 1000
- 8221 Dalrock – 2080 and 2950

7818 PRINCETON RD

8221 DALROCK RD

8005 DALROCK RD

7610 DALROCK RD

7714 PRINCETON RD

7710 PRINCETON RD

7210 PRINCETON RD

PACIFIC PEARL DR

WEATHERLY DR

RAINBOW DR

AZZURRA DR

DEFENDER LN

SPINNAKER CV

CREEKSIDE DR

LAKEPORT DR

BRIARCREST DR

SILVERTHORN DR

ARBORSIDE DR

