NOTICE AND AGENDA OF REGULAR CALLED MEETING
HEATH PLANNING & ZONING COMMISSION
200 LAURENCE DRIVE - HEATH, TEXAS 75032
TUESDAY, OCTOBER 4, 2022 at 6:30 PM

1. **Call to Order**

2. **Public Comment**

This is an opportunity for the public to address the Commission on any matter, except public hearings included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. To address the Commission, please sign in prior to the start of the Meeting. Each speaker shall approach the podium and state his/her name and street address before speaking. Speakers shall address the governing body with civility that is conducive to appropriate public discussion. Speakers can address only the governing body and not individual city officials or employees. The public cannot speak from the gallery but only from the podium. The Commission is not permitted to take action on or discuss any item not listed on the agenda. The Commission may: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose the item be placed on a future agenda. (Tex. Govt Code §551.042).

3. **Receive Report Regarding the September 27, 2022 City Council Meetings and discussion of same.**

4. **Discussion and Action Regarding the Minutes of the September 6 Regular Meeting and revisions to the Minutes of the August 10 Special Meeting.**

5. **Items for Individual Consideration**

5.a Case No. FP-2022-09: Consider and take action on the Final Plat of Trahan Family Farm Addition consisting of 10.255 acres of land located in the City of Heath, Rockwall County, Texas, situated in the Edward Teal Survey Abstract 207, Tract 16, containing one (1) residential lot. (Rockwall CAD ID No. 12655)

5.b Case No. PP-2022-05: Consider and take action on the Preliminary Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots. (Rockwall CAD ID No. 11875)

5.c Case No. FP-2022-07: Consider and take action on the Final Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots. (Rockwall CAD ID No. 11875)

5.d Case No. FP-2022-10: Consider and take action on the Final Plat of The DSN Real Estate Holdings Second Addition located on the east side of Yankee Creek Road between properties addressed as 195 Yankee Creek Road and 255 Yankee Creek Road, City of Heath, Rockwall County, Texas, zoned (SF-43) Single Family Residential District containing one (1) single-family residential lot on 4.986 acres of land. (Rockwall CAD ID No. 50917)

5.e Case ZTA-2022-02: Conduct a Public Hearing and consider approval of an Ordinance of the City Council of the City of Heath, Texas, amending § 159.21 (SF-43) "SINGLE-FAMILY RESIDENTIAL DISTRICT," of the Code of Ordinances addressing accessory building and dwelling units, minimum square footage of main dwelling unit, front yard building setback, and garage orientation. *(K. Lasher)*

6. Adjourn

NOTE: The Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Agenda Posted this September 30, 2022 at 5:00 p.m.

Norma Duncan

Norma Duncan, City Secretary

RECAP MINUTES
HEATH CITY COUNCIL
TUESDAY, SEPTEMBER 27, 2022 at 6:30 PM

ATTENDING: KELSON ELAM, MAYOR
FRANK NEW, MAYOR PRO TEM
RICH KRAUSE
PAUL RUFFO
BRENT WEAVER
ABSENT: JIM CHESTER
DONNA ROLATER

4.d Case No. ZA-2022-01: Conduct a Public Hearing and act on an Ordinance changing the zoning from (A) Agricultural District to (SF-43) Single-Family Residential District, for property described as A0207, E Teal, Tract 46-4 consisting of 1.986 acres and Tract 46-2 consisting of 1.3316 acres, located at the southeast corner of Laurence Drive and Heathland Crossing.

Director of Planning Aaron Adel stated that this application is for a zoning change from (A) Agricultural District to (SF-43) Single-Family Residential District for two tracts consisting of 1.986 acres and 1.3316 acres, containing a total of 3.3176 acres in common ownership located at the corner of Laurence Drive and Heathland Crossing. A sign was posted on the property and notices were published in the Dallas Morning News & on the city website on August 25, 2022. Notices were sent to 41 neighbors within 500', nine notices were returned in favor and one notice was returned indicating both favor and opposition. P & Z recommended approval with a unanimous vote, two abstentions and one absence. The property is two tracts that together equal 3.3 acres and the Comprehensive Plan, Future Land Use Map indicates "Rural Estates" use which conforms to the (SF-43) Single-Family Residential District. The applicant requests the zoning change to accommodate the sale of the property for the construction of a single-family dwelling and guest house and before a building permit can be issued, the property will also have to be platted. Adel provided §159.05 provides the purpose zoning districts. Since the application conforms to the Comprehensive Plan and is compliments adjacent zoning and land uses, staff recommends approval with the following conditions: That this zoning change be classified as a Planned Development (PD-SF) for Single Family Residential SF-43 uses with: 1) a minimum front setback of 50', rather than the 30' required for SF-43; 2) minimum dwelling unit square footage of 3,200 SF; and 3) a requirement for side-entry or rear-entry garage. Both the current owner of the property and the applicant/purchaser of the property are in favor of these conditions. Councilman Krause recommended that we make the minimum set back of 50' to be standard.

Councilman Weaver is in favor of the request and clarified that the intent of these two tracts is to become single lot for a single resident, this PD be approved with an additional conditional that both lots be platted into one lot and cannot be sub-divided so we do not end up with a chopped up lot.

HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 6:55 p.m.

- Property owner, Justin Hall, 2902 Preston Trial, Rockwall, TX, property address is 1522 Laurence Drive – stated that the buyers' intents are to build a single-family home and are excited to get the project moving.
- Susan Satterwhite, 427 Wyndemere, was present on behalf of the Betty Perry family and stated that the Perry Family owns 158 acres at the northeast corner of Laurence and Heathland Crossing. The property is currently AG. Although there are no present plans at this time for the property, the Perry's would like to know if approving this zoning change tonight for the Hawk property, would negatively impact any future requests to re-zone a portion of the Perry's 158 acres from Agricultural to Non-residential?

Mayor Elam closed the public hearing at 7:00 p.m.

Discussion and action regarding the request.

Councilman Weaver stated that he was in favor of this request of turning this corner into residential because it is consistent to what is around it. Weaver proposed adding additional language to the motion that would solidify that both tracts would be one lot. This would allow for a lager lot and a would also allow for a larger accessory house.

MOTION: APPROVE ORDINANCE NO. 220927D A ZONING CHANGE WITH THE CONDITION THAT THE ZONING CHANGE BE CLASSIFIED AS A PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL SF-43 USES WITH 1) A MINIMUM FRONT SETBACK OF 50 FEET, 2) A MINIMUM DWELLING UNIT SQUARE FOOTAGE OF 3,200 SF, 3) A REQUIREMENT FOR SIDE-ENTRY OR REAR-ENTRY GARAGE AND, 4) THAT BOTH TRACTS BE PLATTED INTO ONE LOT AND DIRECT STAFF TO UPDATE THE PD TO REFLECT THE MINIMUM LOT SIZE ACCORDINGLY.

MOTION MADE:	WEAVER
SECONDED:	KRAUSE
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	CHESTER, ROLATER

4.e Case No. FP-2022-05: Consider and take action on the Final Plat of Chapel View Phase One located on two tracts addressed as 308 Hubbard Drive and 312 Hubbard Drive, City of Heath, Rockwall County, Texas, zoned (PD-SF) Planned Development for SF-43 Single Family Residential Uses by Ordinance 220125B containing two (2) single-family residential lots and one remainder lot on 19.88 acres of land.(Rockwall County CAD Map ID No. 11132 and 46065) .

Director of Planning Aaron Adel stated that property owner's James & Karen Bartholomew and William & Lana Dodgen are asking for the approval of a Final Plat of Chapel View Phase One consisting of 2 residential lots and one remainder lot on 19.88 acres located on the north side of Hubbard Drive. On January 25, 2022, the property was rezoned to (PD-SF) Planned Development for Single Family Residential uses by Ordinance No. 220125B. The approved name of the development is Chapel View and the Preliminary Plat of Chapel View was approved by City Council on May 24, 2022. This request is for the Final Plat and was reviewed by the Development Review Committee (DRC) and their comments are incorporated in this submittal. The P & Z recommended approval unanimously with one abstention and one absence. This Final Platt is to create Lot 1 and Lot 2 containing the two existing homes occupied by the Bartholomews and the Dodgens who currently own all 19.88 acres and facilitate the sale of the remainder contained in Lot 3 to developer and applicant Michael Joyce. The residential lots conform to the area requirements in the Planned Development and with the Preliminary Plat. One remainder lot = 17.321 acres. Lot sizes of at least 1.0 developable acres. 50' front building lines. There is a 20' access easement surrounding an existing driveway; to be abandoned with the next final plat phase. The plat includes the 10' ROW dedication along Hubbard Drive. to conform to the preliminary plat. Water currently serves these two lots. These two lots have onsite sewer facilities (OSSF). Lots are currently developed and will not affect a change in drainage. Fee-In-Lieu of Land Dedication: $2,246.94 per Dwelling Unit, Park Development Fee: $1,293.19 per Dwelling Unit, Park Fees: $3,540.13 per Dwelling Unit, and total Park Fees for the two Dwelling Units are $7,080.26. Applicant, Ryan Joyce with Michael Joyce Properties, 767 Justin Road, Rockwall was present for any questions.

Because the final plat conforms to the PD-SF Ordinance No. 220125B, the Preliminary Plat of Chapel View, and the Subdivision Regulations, staff recommends approval with one condition: that before a building permit is issued for any construction on Lot 3 of the Final Plat of Chapel View Phase One, the lot shall be further subdivided to conform with the Preliminary Plat of Chapel View.

MOTION: APPROVE FINAL PLAT OF CHAPEL VIEW PHASE ONE LOCATED ON TWO TRACTS ADDRESSED AS 308 HUBBARD DRIVE AND 312 HUBBARD DRIVE WITH THE ONE STAFF CONDITION.

MOTION MADE:	NEW
SECONDED:	RUFFO
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	CHESTER, ROLATER

4.f Case No. SP-2022-01: Consider and take action on a Site Plan for a utility service center consisting of one 14,235 square foot office building, one 6,000 square foot covered parking area, one 6,850 square foot shop building, and two 1,296 square foot covered trailer storage areas on 10.96 acres of land described as M Ferguson Abstract, Tract 30.00, Kaufman County Central Appraisal District Property ID 5707. The site is zoned (A) Agricultural District. The property is located on the southeast side of FM 740 south of Saddle Club Drive adjacent to the City of Heath city limits.

Staff recommends approval of this site plan. As a reminder, the Architecture Review Board and the Planning & Zoning Commission recommended approval.

MOTION: APPROVE SITE PLAN FOR A UTILITY SERVICE CENTER LOCATED ON THE SOUTHEAST SIDE OF FM 740 SOUTH OF SADDLE CLUB DRIVE ADJACENT TO THE CITY OF HEATH CITY LIMITS.

MOTION MADE:	NEW
SECONDED:	RUFFO
APPROVED:	PASSED FOUR TO ONE
For:	ELAM, KRAUSE, ROLATER, RUFFO
Against:	WEAVER
ABSENT:	CHESTER, ROLATER

4.g Case CUP-2022-11: Conduct a Public Hearing and act on a Conditional Use Permit to allow for a franchise utility use in the (A) Agricultural District consisting of a service center, vehicle repair shop, covered parking, fueling storage, and outdoor storage yard on property owned by Oncor Electric Delivery Company containing 10.96 acres within the City of Heath and being part of a 60.47 acre tract extending into the City of Dallas Extraterritorial Jurisdiction. (Kaufman CAD ID No. 5707).

Because this use is consistent with the Comprehensive Plan, includes suitable site improvements, and adequate buffering and screening, staff recommends approval of this site plan with the following conditions: 1. The Conditional Use Permit is subject to the site plan (SP-2022-01) pending approval by the City. 2. The Conditional Use Permit is subject to the fence variance (FV-2022-05) pending approval by the City. 3. The Conditional Use Permit shall is subject to the preliminary plat (PP-2022-04) pending approval by the City. 4. The Conditional Use Permit shall not apply to the subdivision of the property into more than one lot.

HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 8:23 p.m. and no one present to speak regarding this request, Mayor Elam closed the public hearing at 8:24 p.m.

MOTION: APPROVE CONDITIONAL USE PERMIT TO ALLOW FOR A FRANCHISE UTILITY USE ON PROPERTY OWNED BY ONCOR ELECTRIC DELIVERY COMPANY CONTAINING 10.96 ACRES WITHIN THE CITY OF HEATH AND BEING PART OF A 60.47 ACRE TRACT EXTENDING INTO THE CITY OF DALLAS EXTRATERRITORIAL JURISDICTION WITH STAFF NOTED 4 CONDITIONS.

MOTION MADE:	MAYOR ELAM
SECONDED:	NEW
APPROVED:	PASSED FOUR TO ONE
For:	ELAM, KRAUSE, ROLATER, RUFFO
Against:	WEAVER
ABSENT:	CHESTER, ROLATER

4.h Case PP-2022-04: Consider and take action on the Preliminary Plat of Oncor Buffalo Creek, being 10.96 acres located within the City of Heath, part of a larger tract of 60.47 acres extending into the City of Dallas Extraterritorial Jurisdiction, out of the Malkijah Ferguson Survey, Abstract No. 158, Kaufman County, Texas, zoned (A) Agricultural District, containing one lot. (Kaufman County CAD Map ID No. 5707).

As the Preliminary Plat conforms to the (A) Agricultural District and the requirements of the Subdivision Regulations of the City of Heath, staff recommends approval.

MOTION: APPROVE PRELIMINARY PLAT OF ONCOR BUFFALO CREEK, BEING 10.96 ACRES LOCATED WITHIN THE CITY OF HEATH, PART OF A LARGER TRACT OF 60.47 ACRES EXTENDING INTO THE CITY OF DALLAS EXTRATERRITORIAL JURISDICTION.

MOTION MADE:	RUFFO
SECONDED:	NEW
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	CHESTER, ROLATER

4.i Case No. ZTA-2022-02: Conduct a Public Hearing and consider adoption of an ordinance amending various sections of Chapter 159, "Zoning," of the Code of Ordinances, City of Heath, Texas, the same being the Zoning Ordinance, specifically to Section 159.29, "Towne Center Overlay District," and to section 159.43, "Conditional Use Permits; Permit Requirements," to limit the building height in the "Towne Center Overlay District" from three (3) stories to one story in height, requiring a Conditional Use Permit (CUP) for two (2) story buildings, to prohibit the construction of three (3) story buildings, and to implement technical corrections.

Staff recommends that the City Council recommend approval of the attached draft Ordinance amending various sections to Section 159.29, "Towne Center Overlay District," and to section 159.43, "Conditional Use Permits; Permit Requirements," of the Code of Ordinance, City of Heath as recommended by the P&Z Commission.

MOTION: APPROVE ORDINANCE NO. 220927E AMENDING VARIOUS SECTIONS OF CHAPTER 159, "ZONING," OF THE CODE OF ORDINANCES, CITY OF HEATH, TEXAS, THE SAME BEING THE ZONING ORDINANCE, SPECIFICALLY TO SECTION 159.29, "TOWNE CENTER OVERLAY DISTRICT," AND TO SECTION 159.43, "CONDITIONAL USE PERMITS; PERMIT REQUIREMENTS," TO LIMIT THE BUILDING HEIGHT IN THE "TOWNE CENTER OVERLAY DISTRICT" FROM THREE (3) STORIES TO ONE STORY IN HEIGHT, REQUIRING A CONDITIONAL USE PERMIT (CUP) FOR TWO (2) STORY BUILDINGS, TO PROHIBIT THE CONSTRUCTION OF THREE (3) STORY BUILDINGS, AND TO IMPLEMENT TECHNICAL CORRECTIONS. WITH STAFF RECOMMENDATIONS.

MOTION MADE:	MAYOR ELAM
SECONDED:	RUFFO
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	CHESTER, ROLATER

4.j Consider and Act on an Ordinance Adopting Proposed Amendments to the Code of Ordinances, City of Heath, Affecting § 159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," and § 159.65 "OFF-PREMISES LOCATION OF PARKING,"

Staff recommends the City Council move to approve of the proposed amendments to the City's parking ordinance in accordance with the recommendations of the Architectural Review Board, and the Planning and Zoning Commission, that modifications to the parking space dimensions for over-sized vehicles be re-examined in the future with respect to enforcement measures.

MOTION: APPROVE ORDINANCE NO. 220927E ADOPTING PROPOSED AMENDMENTS TO THE CODE OF ORDINANCES, CITY OF HEATH, AFFECTING § 159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," AND § 159.65 "OFF-PREMISES LOCATION OF PARKING,".

MOTION MADE:	MAYOR ELAM
SECONDED:	WEAVER
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	CHESTER, ROLATER

MINUTES
HEATH PLANNING & ZONING COMMISSION
200 LAURENCE DRIVE - HEATH, TEXAS 75032
TUESDAY, SEPTEMBER 6, 2022 at 6:30 PM

ATTENDING:	James Tunnell, Chairman
	Wayne Gordon, Vice Chairman
	Thomas Bishop
	Sharon Caldwell *(via zoom)*
	Harry Heinkele
	Bob Shaw
ABSENT:	Joe Ruszkiewicz

Chairman James Tunnell called the meeting to order at 6:30 p.m.

2. Public Comment

- Mark Morisseau, 3013 Black Hills Blvd, Lakeside at Heath resident – stated that he is opposed to the Oncor Service Center and his concern was with the traffic because he knows the effect that these developments have on neighborhoods. Not in my backyard.
- David Simonton, 2973 Black Hills Blvd, Lakeside at Heath resident – spoke in opposition of the Oncor item stating that his concern is also with the traffic and the nightmare that big trucks bring especially with school traffic at least until FM740 has been improved.

3. Receive Report Regarding the August 9 and 23, 2022 City Council Meetings and discussion of same.

Chairman Tunnell acknowledged receipt of the August 9 and 23 Council Meetings regarding P&Z items covered at the August 2 Planning and Zoning meeting.

4. Discussion and Action Regarding the Minutes of the August 2 Regular Meeting and August 10 Special Meeting.

MOTION: APPROVE AUGUST 2 AND 10 MINUTES WITH CORRECTIONS NOTED.

MOTION MADE:	GORDON
SECONDED:	BISHOP
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	RUSZKIEWICZ

5.a Case No. ZA-2022-01: Conduct a Public Hearing and act on an Ordinance changing the zoning from (A) Agricultural District to (SF-43) Single-Family Residential District, for property described as A0207, E Teal, Tract 46-4 consisting of 1.986 acres and Tract 46-2 consisting of 1.3316 acres, located at the southeast corner of Laurence Drive and Heathland Crossing.

Director of Planning Aaron Adel stated that this item is for a zoning change from (A) Agricultural District to (SF-43) Single-Family Residential District for two tracts consisting of 1.986 acres and 1.3316 acres, containing a total of 3.3176 acres in common ownership. The owners/applicants are Lowell Douglas Hall, Justin Kimbell Hall, and Douglas Edward Hall. A sign was posted on the property and notices were published in the Dallas Morning News & on the city website on August 25, 2022. Forty-one notices were sent to properties within 500 feet and five notices were returned in favor and none in opposition. The Future Land Use Map indicates “Rural Estates” use which conforms to the (SF-43) Single-Family Residential District. The applicant requests the zoning change to accommodate the sale of the property for the construction of a single-family dwelling and guest house. The property requires platting before a building permit can be issued. Because the request conforms to the Comprehensive Plan and compliments adjacent zoning and land uses, staff recommends approval with the following conditions: the zoning change be classified as a Planned Development (PD-SF) for Single Family Residential SF-43 uses with a minimum front setback of

50' (rather than the 30' required for SF-43), minimum dwelling unit square footage of 3,200 SF, and a requirement for side-entry or rear-entry garage. These recommendations are consistent with the recent zoning change creating the Chapel View Planned Development on Hubbard Drive. Applicants Lowell Douglas Hall, Justin Kimbell Hall, and Douglas Edward Hall, were present to answer any questions and stated they look forward in developing a good relationship with the City.

HEARING to receive comments regarding the request.

Chairman James Tunnell opened the public hearing at 6:47 p.m.

- Michael Wanamaker, purchaser of property, asked for a clarification of the 50-foot easement.
- Tim Dill, stated that he was a neighbor and asked for a clarification of what is being built on both properties, and asked if the 3,200 sq ft applies to both structures and when it's completed, is there a possibility that this property can be split into two lots again.

Tunnell closed the public hearing at 6:55 p.m.

Discussion and action regarding the request.

Commissioner Gordon stated that he was happy to see this request for residential on this property since past requests have all been commercial. Staff clarified that the applicant has confirmed and are in favor of the three conditions required in the PD.

MOTION TO APPROVE AN ORDINANCE REGARDING A PLANNED DEVELOPMENT (PD) FOR (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT WITH STAFF RECOMMENATIONS.

MOTION MADE:	BISHOP
SECONDED:	HEINKELE
APPROVED:	PASSED UNANIMOUSLY BY THOSE FOUR VOTING
For:	BISHOP, HEINKELE, SHAW, TUNNELL
ABSTAINED:	CALDWELL, GORDON
ABSENT:	RUSZKIEWICZ

5.b Case No. FP-2022-05: Consider and take action on the Final Plat of Chapel View Phase One located on two tracts addressed as 308 Hubbard Drive and 312 Hubbard Drive, City of Heath, Rockwall County, Texas, zoned (PD-SF) Planned Development for SF-43 Single Family Residential Uses by Ordinance 220125B containing two (2) single-family residential lots and one remainder lot on 19.88 acres of land. (Rockwall County CAD Map ID No. 11132 and 46065)

Director of Planning Aaron Adel stated that applicant Michael Joyce is requesting a Final Plat of Chapel View Phase One consisting of 2 residential lots and one lot on 19.88 acres located on the north side of Hubbard Drive. On January 25, 2022, the property was rezoned to (PD-SF) Planned Development for Single Family Residential uses by Ordinance No. 220125B. The Preliminary Plat of Chapel View was approved by City Council on May 24, 2022. The final plat was reviewed by the Development Review Committee (DRC) and their comments are incorporated in this request. The final plat will create Lot 1 & Lot 2 containing the two existing homes occupied by the Bartholomews and the Dodgens who currently own all 19.88 acres and facilitate the sale of the remainder of Lot 3 to developer/applicant Michael Joyce. The residential lots conform to the area requirements in the Planned Development. One remainder lot is 17.321 acres. Lot sizes of at least 1.0 developable acres. 50' front building lines, twenty-foot access easement surrounding an existing driveway; to be abandoned with the next final plat phase. The plat includes the 10' ROW dedication along Hubbard Drive to conform to the preliminary plat. Water serves these two lots and the two lots have onsite sewer facilities (OSSF). These two lots are currently developed and will not affect a change in drainage. Parkland dedication and Park Development Fees are $2,246.94 per Dwelling Unit for fee-in-lieu of land dedication; Park Development Fee is $1,293.19 per Dwelling Unit; Park fees are $3,540.13 per Dwelling Unit; and total park fees for 2 dwelling units are $7,080.26.

Because the final plat conforms to the PD-SF Ordinance No. 220125B, the Preliminary Plat of Chapel View, and the Subdivision Regulations, staff recommends approval with one condition: 1. Before a building permit is issued for any construction on Lot 3 of the Final Plat of Chapel View Phase One, the lot shall be further subdivided to conform with the Preliminary Plat of Chapel View.

The property owners, James & Karen Bartholomew and William & Lana Dodgen and the applicant, Michael Joyce were present to answer any questions. Vice Chairman Gordon chose to abstain from voting on this request because he is personal friends with the property owners in order to avoid an appearance of a conflict of interest.

MOTION TO APPROVE THE FINAL PLAT OF CHAPEL VIEW PHASE ONE LOCATED ON TWO TRACTS ADDRESSED AS 308 HUBBARD DRIVE AND 312 HUBBARD DRIVE WITH ONE NOTED STAFF CONDITION.

MOTION MADE:	HEINKELE
SECONDED:	SHAW
APPROVED:	PASSED FIVE FOR AND ONE ABSTAINED
For:	BISHOP, CALDWELL, HEINKELE, SHAW, TUNNELL
ABSTAINED:	GORDON
ABSENT:	RUSZKIEWICZ

5.c Case No. SP-2022-01: Consider and take action on a Site Plan for a utility service center consisting of one 14,235 square foot office building, one 6,000 square foot covered parking area, one 6,850 square foot shop building, and two 1,296 square foot covered trailer storage areas on 10.96 acres of land described as M Ferguson Abstract, Tract 30.00, Kaufman County Central Appraisal District Property ID 5707. The site is zoned (A) Agricultural District. The property is located on the southeast side of FM 740 south of Saddle Club Drive adjacent to the City of Heath city limits.

Director of Planning Aaron Adel stated the owner of this property is ONCOR and the applicant is Thomas Fletcher, President with Kimley-Horn and Assoc. The request is for a Site Plan for a utility service center that includes a 14,235 SF office building, two 5,520 SF covered parking areas, 6,850 square foot shop building, two 1,296 square foot covered trailer storage areas (1,088 SF reduction), 10.96 acres, adjacent to the City of Heath city limits, Heath ETJ, and Dallas ETJ, the zoning of the property within our city limits is (A) Agricultural District. The Future Land Use Map indicates "Rural Estates" use which conforms to the (A) Agricultural District. Neighborhood notices included courtesy notices to the Heath ETJ residents. The photometric plan for all land within the City of Heath was provided and the plan conforms to the City's new Outdoor Lighting/Dark Sky Ordinance with the following exceptions: Light levels along the south property line adjacent to property zoned (A) Agricultural District exceed the allowed 0.1 footcandles (FC); The fixture details indicate 3000 Kelvin (K) with a 70 Color Rendering Index (CRI). The new ordinance requires 80 CRI; does not show the location of light fixtures with measurements in feet for the area to be illuminated by each fixture. If fixtures will be attached to the building; and building elevations must be included that indicate where the light fixtures will be installed showing fixture heights. The photometric plan must be revised to correct the deficiencies notes on the staff recommendations. The Architectural Review Board recommended approval with an 8-foot concrete wall and Coronado Stone in front of the building. City Staff recommends approval of the Site Plan with the following conditions:

1. Add a note to the site plan stating that the architectural renderings are included by reference and all roof-mounted equipment will be fully shielded from view by the parapet wall.
2. Modify the "Service Center Material Selections" sheet in the Renderings to remove the Nichiha Masonry option.
3. In the Overall Landscape Plan, use the 8' superior concrete screen wall detail sheet and remove the 6' CMU wall with barbed wire detail sheet.
4. Make the corrections to the Photometric Plan:
    a. Light levels along the south property line adjacent to property zoned (A) Agricultural District must not exceed the allowed 0.1 footcandles (FC).
    b. The fixture details indicate 3000 Kelvin (K) with a 70 Color Rendering Index (CRI). The new ordinance requires 80 CRI. Modify the fixture selection to comply with the ordinance.
    c. Modify the photometric plan to show the location of light fixtures with measurements in feet for the area to be illuminated by each fixture.
    d. Add the following notes and acknowledgment to the photometric plan:
        1) All fixtures will be full shielded.
        2) The aggregate outdoor lighting will be a maximum of 65,000 lumens per net acre

3) The maximum height of poles is 20 feet
4) No light fixtures will be attached to the exterior walls or roofs of any structures
5) The following acknowledgment signed by the preparer, "The outdoor lighting depicted on this photometric plan complies with the requirements of the City of Heath Code of Ordinances, Chapter 98 "Outdoor Lighting/Dark Sky Ordinance. The post-development light levels will comply with all requirements of this chapter"

e. Oncor will comply with the State of Texas requirements for Hazardous Materials.

Applicant, Thomas Fletcher, President with Kimley-Horn stated the site plan is for the proposed transmission service center which is needed to replace an existing facility that is currently being leased. He provided a presentation and answered the Commissioners and resident's questions. Oncor owns the land so this will give Oncor an opportunity for a permanent facility. Cindy Tayem, Area Manager with Oncor was also present.

HEARING to receive comments regarding the request.

Chairman James Tunnell opened the public hearing at 8:20 p.m.

- Brian Asterino, 3031 Black Hills Blvd, Lakeside at Heath, spoke in opposition and is concerned with the above-ground fuel storage and asked if there was an emergency action plan.
- David Simonton, 2973 Black Hills Blvd, Lakeside at Heath resident – concerned with traffic and the large trucks and asked who would be servicing fire calls at this location.
- Debbie Stark, 3002 Lily Lane, Lakeside at Heath resident – concerned with school traffic, hazardous materials and emergency services and asked Oncor to come speak with Lakeside at Heath residents because the service center is across the screet from their subdivision.
- Nancy Asterino, 3031 Black Hills Blvd, Lakeside at Heath, stated that she understands that Lakeside at Heath is in the Heath ETJ and spoke in opposition because of the traffic. There is not enough public interest and this will impact the bedroom community of Heath.

Tunnell closed the public hearing at 8:30 p.m.

(break at 8:30 p.m. and reconvened at 8:35 p.m.)

MOTION TO APPROVE THE SITE PLAN FOR A UTILITY SERVICE CENTER LOCATED ON THE SOUTHEAST SIDE OF FM 740 SOUTH OF SADDLE CLUB DRIVE ADJACENT TO THE CITY OF HEATH CITY LIMITS WITH STAFF RECOMMENDATIONS AS AMENDED.

MOTION MADE:	GORDON
SECONDED:	BISHOP
APPROVED:	PASSED FIVE TO ONE
For:	BISHOP, GORDON, HEINKELE, SHAW, TUNNELL
Against:	CALDWELL
ABSENT:	RUSZKIEWICZ

5.d Case CUP-2022-11: Conduct a Public Hearing and act on a Conditional Use Permit to allow for a franchise utility use in the (A) Agricultural District consisting of a service center, vehicle repair shop, covered parking, fueling storage, and outdoor storage yard on property owned by Oncor Electric Delivery Company containing 10.96 acres within the City of Heath and being part of a 60.47-acre tract extending into the City of Dallas Extraterritorial Jurisdiction. (Kaufman CAD ID No. 5707). TABLED FROM THE PLANNING AND ZONING COMMISSION MEETING ON AUGUST 2, 2022.

Director of Planning Aaron Adel stated this request is for a Conditional Use Permit (CUP) to allow for a franchise utility use in the (A) Agricultural District consisting of a service center, repair shop, covered parking, fueling storage, and outdoor storage yard for Oncor. The Future Land Use Map indicates "Rural Estates" use which conforms to the (A) Agricultural District. The public hearing notice was published in the Dallas Morning News & on the city website and twenty-seven notices were mailed out to neighbors within 500' in the city limits and ETJ. One notice was received in opposition & one in favor. Adel listed out the permitting Conditional Uses and stated according to §159.43(D), the City Council may permit a conditional use after review and recommendation by the Planning and Zoning Commission subject to appropriate conditions and safeguards. Because this

use is consistent with the Comprehensive Plan, includes suitable site improvements, and adequate buffering and screening, staff recommends approval of this site plan with the following conditions:

1. The CUP is subject to the site plan (SP-2022-01) pending approval by the City.
2. The CUP is subject to the fence variance (FV-2022-05) pending approval by the City.
3. The CUP is subject to the preliminary plat (PP-2022-04) pending approval by the City.
4. The CUP shall not apply to the subdivision of the property into more than one lot.

MOTION TO APPROVE CONDITIONAL USE PERMIT TO ALLOW FOR A FRANCHISE UTILITY USE IN THE (A) AGRICULTURAL DISTRICT BY ONCOR ELECTRIC DELIVERY COMPANY WITH THE NOTED FOUR STAFF RECOMMENDATIONS.

MOTION MADE:	GORDON
SECONDED:	HEINKELE
APPROVED:	PASSED FIVE TO ONE
For:	BISHOP, GORDON, HEINKELE, SHAW, TUNNELL
Against:	CALDWELL
ABSENT:	RUSZKIEWICZ

5.e Case PP-2022-04: Consider and take action on the Preliminary Plat of Oncor Buffalo Creek, being 10.96 acres located within the City of Heath, part of a larger tract of 60.47 acres extending into the City of Dallas Extraterritorial Jurisdiction, out of the Malkijah Ferguson Survey, Abstract No. 158, Kaufman County, Texas, zoned (A) Agricultural District, containing one lot. (Kaufman County CAD Map ID No. 5707). WITHDRAWN BY THE APPLICANT FROM THE PLANNING & ZONING COMMISSION REGULAR MEETING ON AUGUST 2, 2022.

Director of Planning Aaron Adel stated this item is for a Preliminary Plat by Oncor Buffalo Creek, being 10.96 acres within Heath, part of a larger tract of 60.47 acres extending into the City of Dallas' ETJ. The reason for the Preliminary Plat is that our City ordinance requires that before we can issue any building permits, the property must be platted. This is the first step towards a Final Plat. The zoning is (A) Agricultural District and the Future Land Use Map indicates "Rural Estates" use which conforms to the (A) Agricultural District. The subdivision will gain access from FM 740 via two (2) existing concrete driveways. The applicant will provide right-turn and left-turn lanes on FM 740 to improve ingress/egress to the property. TXDOT must approve and issue a driveway permit for the planned FM 740 improvements. A new 8' water line will serve the sight via connection to an existing 12" water line along FM 740. Coordination is underway between the applicant and Forney Lake Water Supply. Preliminary engineering plans have been submitted to Forney Lake Water Supply for their review. Fire lanes and fire hydrants as shown on the preliminary plat must be completed and accepted before vertical construction can begin. The property will be served by an on-site sewer facility. The site drainage will be detained in an on-site pond. A Treescape Plan was submitted with the preliminary plat. Note: The property is exempt from tree mitigation as it is classified as "utility property" per §158.44(A)(4). No park fees will be collected since there are no dwelling units associated with this plat.

As the Preliminary Plat conforms to the (A) Agricultural District and the requirements of the Subdivision Regulations of the City of Heath, staff recommends approval with one condition: 1. Provide confirmation from TXDOT approving the Memorandum regarding Trip Generation, dated June 14, 2022, addressed to Mr. Lane Selman, PE, Area Engineer, TXDOT Kaufman County Area Office, from Christian DeLuca, PE, PTOE and Steven Roberts, EIT.

MOTION TO APPROVE THE PRELIMINARY PLAT OF ONCOR BUFFALO CREEK, BEING 10.96 ACRES LOCATED WITHIN THE CITY OF HEATH WITH THE ONE NOTED STAFF CONDITION.

MOTION MADE:	HEINKELE
SECONDED:	BISHOP
APPROVED:	PASSED FIVE TO ONE
For:	BISHOP, GORDON, HEINKELE, SHAW, TUNNELL
Against:	CALDWELL
ABSENT:	RUSZKIEWICZ

5.f Consider and Act on an Ordinance Adopting Proposed Amendments to the Code of Ordinances, City of Heath, Affecting § 159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," and § 159.65 "OFF-PREMISES LOCATION OF PARKING,"

Assistant City Manager Kevin Lasher stated City Council directed staff to reexamine the city's current parking requirements to determine their effectiveness in providing the necessary amount of parking that would be self-contained on the same lot comprising the primary use. Emphasis was given to mixed restaurant and retail uses to ensure they can be adequately parked without the need for an overflow parking lot. The proposed amendments will significantly impact larger retail stores (8,000 SF or larger), large restaurants with bar areas and outdoor seating, and hair salons and minimal impacts would occur to smaller retail uses and smaller restaurants without a bar and outdoor dining areas. Staff reviewed the non-residential parking requirements of several other cities, Rockwall, McLendon-Chisholm, Royse City, Fate, Forney and Rowlett for comparison. The following amendments were recommenced: local retail – 1 per 200 sf of area up to 5000 sf, then 1 per 175 sf, restaurants no area – 1 per 3 seats for both indoor and outdoor dining areas, restaurants with bar area – 1 per 3 seats for both indoor and outdoor dining areas, plus 1 per 1.5 seats at max. bar seating capacity, general office – 1 per 200 sf, medical office – no change, church and assembly uses – no change, personal service (salon) – 2 per chair, recreational uses – 15 spaces per field, golf – 4 per golf green plus 1 per 2 employees, and off premise/shared parking – to be on same list within same or an adjoining lot with same ownership of main building being served, must be within 200 feet of the main building façade being served, shall not be located on residentially zoned property including multi-family, a recorded agreement is established for a period of two years. New ratios are proposed for athletic fields (15 spaces per field) and golf courses (4 spaces per green plus 1 space per 2 employees). Comparisons were also made to Heath's Tom Thumb Retail Center and Restaurants and additional highlights were reviewed.

- Plans exam procedures for multi-tenant building finish-out permits shall require the submittal of a site plan depicting parking quantities and locations for all existing and proposed uses located within the multi-tenant building that reflects the total combined required parking for all uses.
- Not many requirements for large truck parking were found.
- Based on the dimensional data shown below for certain staff would propose a minimum of 20% of all required parking spaces be dimensioned for over-sized truck vehicles at 14'W x 22'D (w/ a 24" bumper overhang) or 14'W x 24'L w/out overhang).
- Off-Premises/Shared Parking to be improved to reflect location on the same or an adjoining lot with the same lot ownership of the main building being served. Must be within 400' of the main building façades being served. Shall not be located on residentially zoned property, including multi-family. A recorded agreement is to be established for a period of two (2) years.
- Plans exam procedures for multi-tenant building finish-out permits shall require the submittal of a site plan depicting parking quantities and locations for all existing and proposed uses located within the multi-tenant building that reflects the total combined required parking for all uses.
- Propose a minimum of 20% of all required parking spaces be dimensioned for over-sized truck vehicles at 14'W x 22'D (w/ a 24" bumper overhang) or 14'W x 24'L w/out overhang).
- Off-Premises/Shared Parking to be improved to reflect location on the same or an adjoining lot with the same lot ownership of the main building being served. Must be within 400' of the main building façades being served. Shall not be located on residentially zoned property, including multi-family. A recorded agreement is to be established for a period of two (2) years.

Staff recommends approval of the proposed amendments to the city's parking requirements as presented. Commissioner Caldwell brought attention of the larger vehicles requiring larger spaces.

MOTION TO APPROVE ORDINANCE ADOPTING PROPOSED AMENDMENTS TO CITY OF HEATH CODE OF ORDINANCES §159.64 "NONRESIDENTIAL PARKING REQUIREMENTS," AND §159.65 "OFF-PREMISES LOCATION OF PARKING,"

MOTION MADE:	CALDWELL
SECONDED:	HEINKELE
APPROVED:	PASSED FIVE TO ONE
For:	BISHOP, CALDWELL, GORDON, HEINKELE, TUNNELL
Against:	SHAW
ABSENT:	RUSZKIEWICZ

5.g Case No. ZTA-2022-02: Conduct a Public Hearing and consider adoption of an ordinance amending various sections of Chapter 159, "Zoning," of the Code of Ordinances, City of Heath, Texas, the same being the Zoning Ordinance, specifically to Section 159.29, "Towne Center Overlay District," and to section 159.43, "Conditional Use Permits; Permit Requirements," to limit the building height in the "Towne Center Overlay District" from three (3) stories to one story in height, requiring a Conditional Use Permit (CUP) for two (2) story buildings, to prohibit the construction of three (3) story buildings, and to implement technical corrections.

Assistant City Manager Kevin Lasher stated that on August 4th, this item was discussed at a Joint Work Session with the City Council, the Planning and Zoning Commission and the Architectural Review Board. Staff has recommended the following: to permit one-story buildings as-of-right, to require a Conditional Use Permit (CUP) for the approval of two-story buildings, and to prohibit the construction of three-story buildings within the district. Lasher stated that there is some emphasis on reducing the density of the retail and the building height would be an aspect of doing that. Another proposal would be to lower the sq foot of gross floor area for a single tenant or business to 8,000 sq ft. went through item by item of the proposal to the ordinance. Lasher addressed the revised items in the ordinance. A total of one hundred and forty-eight notices were mailed to property owners located inside the overlay district, and within five hundred feet of the district's boundaries. As of the date of this report, three notices were received in support and three received in opposition. Notice was also posted in the Dallas Morning News and the city's internet website on Friday July 22, 2022. At their regular meeting on July 28, 2022, the Architectural Review Board recommended denial of the proposed amendments as presented by staff by a vote of 6 to 0. *The Board indicated their preference for allowing one and two stories buildings as-of-right, as these heights are more evident inside historic downtown areas throughout rural Texas. The Board did feel that a CUP approval process was appropriate for three-story buildings. The Board also recommended that staff increase the roof parapet wall height to 3'-6" above the finished roof surface to better shield rooftop equipment.*

HEARING to receive comments regarding the request.

No one was present to speak at the Public Hearing.

Discussion and action regarding the request.

The Commission continued discussion. Commissioner Caldwell espressed her support of the changes and stated that this was the intend of the Architectural Standards Advisory Committee in 2017. Chairman Tunnell also supported the changes but recommended one change to the single building height to be changed from 18 ft min to 25 ft max in height. Staff recommends approval.

MOTION TO APPROVE AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 159, "ZONING," OF THE CODE OF ORDINANCES, CITY OF HEATH, TEXAS, THE SAME BEING THE ZONING ORDINANCE, SPECIFICALLY TO SECTION 159.29, "TOWNE CENTER OVERLAY DISTRICT," AND TO SECTION 159.43, "CONDITIONAL USE PERMITS; PERMIT REQUIREMENTS," TO LIMIT THE BUILDING HEIGHT IN THE "TOWNE CENTER OVERLAY DISTRICT" FROM THREE (3) STORIES TO ONE STORY IN HEIGHT, REQUIRING A CONDITIONAL USE PERMIT (CUP) FOR TWO (2) STORY BUILDINGS, TO PROHIBIT THE CONSTRUCTION OF THREE (3) STORY BUILDINGS, AND TO IMPLEMENT TECHNICAL CORRECTIONS THAT INCLUDE THE ONE NOTED CHANGE TO THE BUILDING HEIGTH OF A ONE-STORE BUILDING TO BE A MINIMUM OF 18 FEET AND A MAXIMUM OF 25 FEET.

MOTION MADE:	HEINKELE
SECONDED:	GORDON
APPROVED:	PASSED FIVE TO ONE
For:	BISHOP, CALDWELL, GORDON, HEINKELE, TUNNELL
Against:	SHAW
ABSENT:	RUSZKIEWICZ

Chairman James Tunnell adjourned the meeting at 10:05 p.m.

APPROVED:

_____
JAMES TUNNELL
CHAIRMAN

ATTEST:

_____
NORMA DUNCAN
CITY SECRETARY

MINUTES SPECIAL CALLED MEETING
HEATH PLANNING & ZONING COMMISSION
WEDNESDAY, AUGUST 10, 2022 at 6:30 PM

ATTENDING:	James Tunnell, Chairman
	Wayne Gordon, Vice Chairman
	Thomas Bishop
	Sharon Caldwell
	Joe Ruszkiewicz
	Bob Shaw
ABSENT:	Harry Heinkele

Chairman James Tunnell called the meeting to order at 6:30 p.m.

Public Comment

No one signed up to speak at the open public comments.

(Commissioner Caldwell present at 6:43 p.m.)

Case No. FP-2022-06: Consider and act on the Final Plat of Trilogy - Horizon Road Right-of-Way, with updated developer comments, being a thoroughfare plat consisting of 10.324 acres of land located in the City of Heath, Texas, situated in the Rodriguez Abstract Number 231, the J. Simmons Abstract Number 202, and the W.M. Ford Abstract Number 80, Rockwall County, Texas, and being a portion of a tract of land conveyed to Mc Trilogy Texas, LLC, called Tract 1 as recorded in Instrument Number 20210000033261 of the Official Public Records of Rockwall County, Texas. The subject right-of-way is located at the southern terminus of the existing Horizon Road intersection with Jeff Boyd Road and extends southward to the extraterritorial jurisdiction (ETJ) boundary of the City of McLendon-Chisholm.

City Engineer Richard Dormier stated that staff received a submittal from the applicant regarding the original DRC comments and addressed the three items that were still in question: 1. The Roadway Right-of-Way does not agree with the City's Engineering Design Standards, Comprehensive Plan, or the latest Thoroughfare Plan because it should be a local 50-foot right-of-way street serving low-density lots; 2. The sidewalk to the cross-section of the proposed roadway; and 3. Drainage has not been addressed. Misty Ventura, with Shupe Ventura, PLLC, 9406 Biscayne Blvd, Dallas TX was present on behalf of the property owner, Trilogy Texas L.L.C. stated that for public records she wished to point out that this Final Plat is incompliance with all applicable laws, state laws and Heath's subdivision regulations. This body is acting as a quasi-judicial capacity and if you choose to deny this plat, when it complies with all applicable law, you are acting outside the scope of that authority. Ventura addressed some of the issues that were mentioned in the Engineering comments and asked the Commission, if needed, to approve the request based on the three issues. Ventura concluded with respectfully asking the Commission to approve this plat and to the extent that you choose not to approve, I don't want anyone to be surprised that they are held to account for not complying with the law. The Commission continued discussion and recessed into Executive Session.

At 7:00 p.m., Chairman Tunnell recessed the meeting to Executive Session (closed meeting) stating that in accordance with Texas Government Code Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) to discuss the following: Section 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding: zoning and platting standards, Local Government Code shot clock, and Trilogy final plat.

At 7:20 p.m., Tunnell closed Executive Session and reconvened the meeting into open session stating that no action was taken in the Executive Session, and that no action was taken in executive session.

Motion to deny the Final Plat of the Trilogy - Horizon Road Right-of-Way as being both incomplete and not compliant with City ordinances and State statutes for the following reasons:

1. **No preliminary plat has been approved by the City Council, as required by Section 158.07(A) of the City's subdivision regulations. The preliminary plat application was deemed incomplete for failure to comply with the City's subdivision regulations in Chapter 158 of the City's Code of Ordinances and failure to comply with the purpose and permitted uses of the City's Agricultural Zoning District as set forth in Section 159.20 of the City's Code of Ordinances. The reasons were also stated in a letter dated September 10, 2021, Attachment 1, incorporated by reference. Alternatively, were one to believe the applicant's assertion that there is no zoning on the property, Section 158.06(18) of the City's Code of Ordinances requires zoning before plat approval making the plat application incomplete;**
2. **The Horizon Road right of way is not consistent with the 2019 Heath thoroughfare plan, as required by Section 212.010(a)(1) of the Texas Local Government Code and section 2.1 of the City's Engineering Standards of Design and Standard Details, adopted by Ordinance 910109A. The Engineering Design Standards require roadways in new developments to be in compliance with the Comprehensive Plan, approved Thoroughfare Plan, zoning, subdivision regulations and other applicable regulations. *See* Section 2.1, page 2-1 of the Engineering Design Standards and 2020 Heath Thoroughfare Plan Update, Page 11, local roadway description; page 15, Figure 8, local roadway cross-section; page 17, Figure 9, approved 2019 Heath Thoroughfare Plan. Properties not shown with a thoroughfare roadway can only be served by local roadways, which on page 11 of the 2020 Heath Thoroughfare Plan Update, states that "local roadways are not shown on the plan". The plat is also not compliant with the thoroughfare plan referenced in the City's 2018 Comprehensive Plan adopted pursuant to Local Government Code, Sections 213.001-213.003;**
3. **The paving sheets fail to show the planned sidewalks or trails in the ROW sections and plan view, in accordance with the Heath Thoroughfare Plan Update, Page 11, local roadway description; page 15, Figure 8 for the required local street section including sidewalks.**
4. **Regarding review of pre and post-drainage, the predevelopment condition has 189.08 acres with 686.4 cubic feet per second and the post-development condition has 152.78 acres with 617.55 cubic feet per second. The City is unable to determine where the lost acreage is draining to. Therefore, the applicant must provide a "no adverse impact" analysis of pre and post-development per Section 3 Storm Drainage System, 3.1 General, paragraph 6, in the City's Engineering Standards of Design and Standard Details, adopted by Ordinance 910109A.**
5. **We reserve the right to give additional comments and reasons for denial, conditions for approval or approval, when the final plat application is complete.**

MOTION MADE:	VICE CHAIRMAN GORDON
SECONDED:	CALDWELL
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	HEINKELE

Chairman James Tunnell adjourned the meeting at 7:25 p.m.

APPROVED:

JAMES TUNNELL
CHAIRMAN

ATTEST:

NORMA DUNCAN
CITY SECRETARY

Motion to deny the Final Plat of the Trilogy - Horizon Road Right-of-Way as being both incomplete and not compliant with City ordinances and State statutes for the following reasons:

1. **No preliminary plat has been approved by the City Council, as required by Section 158.07(A) of the City's subdivision regulations. The preliminary plat application was deemed incomplete for failure to comply with the City's subdivision regulations in Chapter 158 of the City's Code of Ordinances and failure to comply with the purpose and permitted uses of the City's Agricultural Zoning District as set forth in Section 159.20 of the City's Code of Ordinances. The reasons were also stated in a letter dated**
2. **September 10, 2021, Attachment 1, incorporated by reference. Alternatively, were one to believe the applicant's assertion that there is no zoning on the property, Section 158.06(18) of the City's Code of Ordinances requires zoning before plat approval making the plat application incomplete;**
3. **The Horizon Road right of way is not consistent with the 2019 Heath thoroughfare plan, as required by Section 212.010(a)(1) of the Texas Local Government Code and section 2.1 of the City's Engineering Standards of Design and Standard Details, adopted by Ordinance 910109A. The Engineering Design Standards require roadways in new developments to be in compliance with the Comprehensive Plan, approved Thoroughfare Plan, zoning, subdivision regulations and other applicable regulations. *See* Section 2.1, page 2-1 of the Engineering Design Standards and 2020 Heath Thoroughfare Plan Update, Page 11, local roadway description; page 15, Figure 8, local roadway cross-section; page 17, Figure 9, approved 2019 Heath Thoroughfare Plan. Properties not shown with a thoroughfare roadway can only be served by local roadways, which on page 11 of the 2020 Heath Thoroughfare Plan Update, states that "local roadways are not shown on the plan". The plat is also not compliant with the thoroughfare plan referenced in the City's 2018 Comprehensive Plan adopted pursuant to Local Government Code, Sections 213.001-213.003;**
4. **The paving sheets fail to show the planned sidewalks or trails in the ROW sections and plan view, in accordance with the Heath Thoroughfare Plan Update, Page 11, local roadway description; page 15, Figure 8 for the required local street section including sidewalks.**
5. **Regarding review of pre and post-drainage, the predevelopment condition has 189.08 acres with 686.4 cubic feet per second and the post-development condition has 152.78 acres with 617.55 cubic feet per second. The City is unable to determine where the lost acreage is draining to. Therefore, the applicant must provide a "no adverse impact" analysis of pre and post-development per Section 3 Storm Drainage System, 3.1 General, paragraph 6, in the City's Engineering Standards of Design and Standard Details, adopted by Ordinance 910109A.**
6. **We reserve the right to give additional comments and reasons for denial, conditions for approval or approval, when the final plat application is complete.**

MOTION MADE:	VICE CHAIRMAN GORDON
SECONDED:	CALDWELL
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	HEINKELE

Chairman James Tunnell adjourned the meeting at 7:25 p.m.

APPROVED:

JAMES TUNNELL
CHAIRMAN

ATTEST:

NORMA DUNCAN
CITY SECRETARY

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 10/04/2022 **AGENDA ITEM: 5.a**

Item:

Case No. FP-2022-09: Consider and take action on the Final Plat of Trahan Family Farm Addition consisting of 10.255 acres of land located in the City of Heath, Rockwall County, Texas, situated in the Edward Teal Survey Abstract 207, Tract 16, containing one (1) residential lot. (Rockwall CAD ID No. 12655)

Applicant:

Samuel C. Hanna

Owners:

Anthony and Alexandria Trahan

Current Zoning:

(SF-43) Single-Family Residential District

Background:

The applicant requests approval of the Final Plat of Trahan Family Farm Addition. The Final Plat contains one (1) single family residential lot that conforms to the area requirements of the (SF-43) Single-Family Residential zoning of the property.

STREETS: The subdivision will gain access from Hubbard Drive via an existing concrete driveway. The plat includes a 10' ROW dedication along Hubbard Drive to provide for future improvement of the roadway.

WATER: Water is available from an existing 8" water line on the opposite side of Hubbard Drive.

SEWER: The property will be served by an on-site sewer facility.

TREE PRESERVATION: A Treescape Plan will be required with the building permit application and inspected prior to issuing a Certificate of Occupancy.

Board/Commission Comments:

The Preliminary Plat of Trahan Family Farm was approved by City Council on Aug 23rd with a unanimous vote. Councilman Ruffo was absent.

Financial Impact:

In accordance with Appendix I, Parkland Dedication and Park Development Fees (Ordinance No. 180327B), the following fees will be required prior to the filing of the final plat at the courthouse.

Fee-in-Lieu of Land Dedication: $2,246.94 per Dwelling Unit
Park Development Fee: $1,293.19 per Dwelling Unit

Total Park Fees: $3,540.13

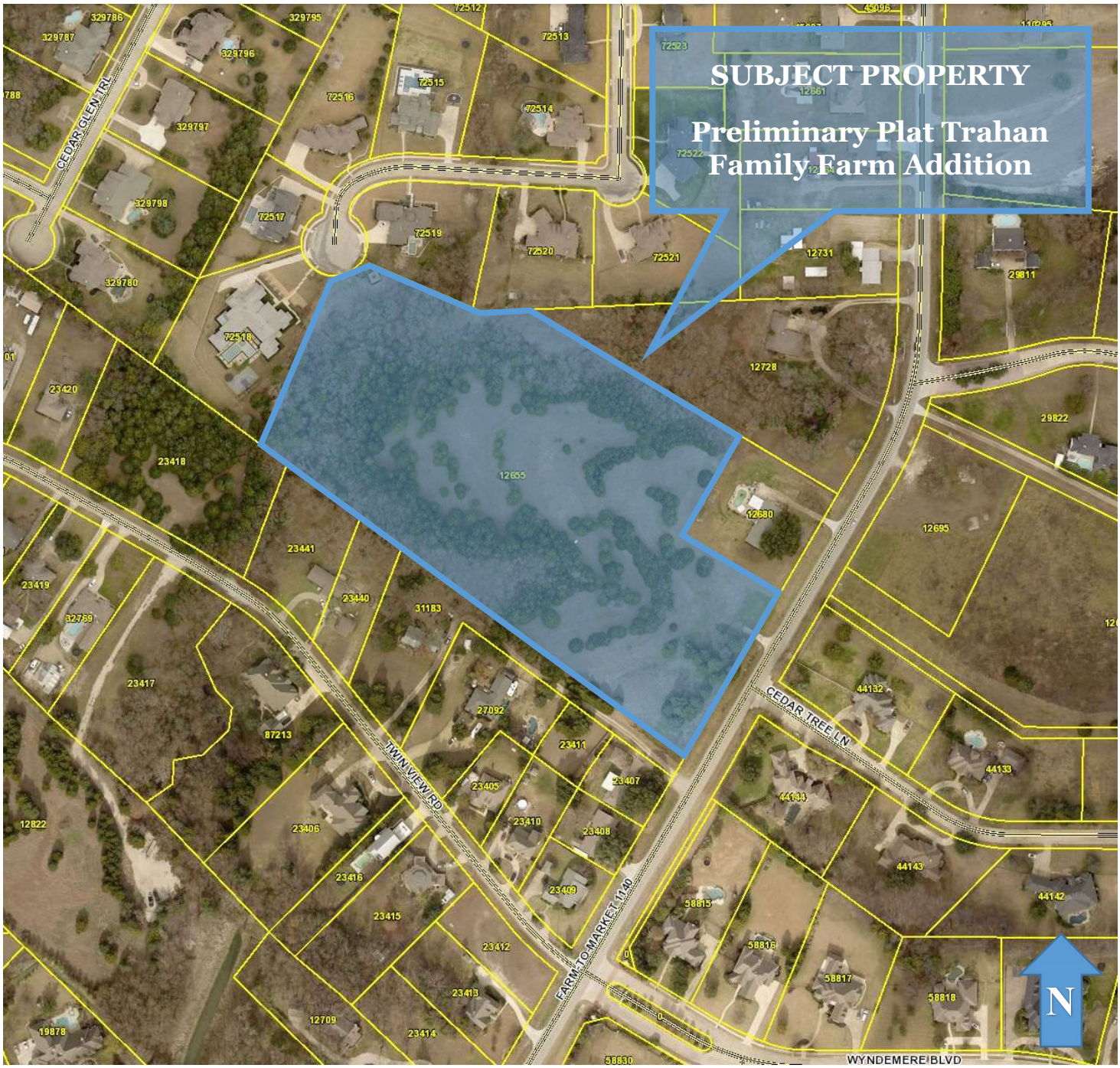
Legal Impact:

N/A

Staff Recommendation:

The Final Plat conforms to the (SF-43) Single-Family Residential District requirements, the Subdivision Regulations of the City of Heath, and the approved Preliminary Plat of Trahan Family Farm. Therefore, staff recommends approval.

Attachments:
FP-2022-09 Vicinity Map.pdf
FP-2022-09 Comp Plan and Zoning.pdf
FP-2022-09 Final Plat.pdf
FP-2022-09 Application.pdf



Vicinity Map
(Not to scale)

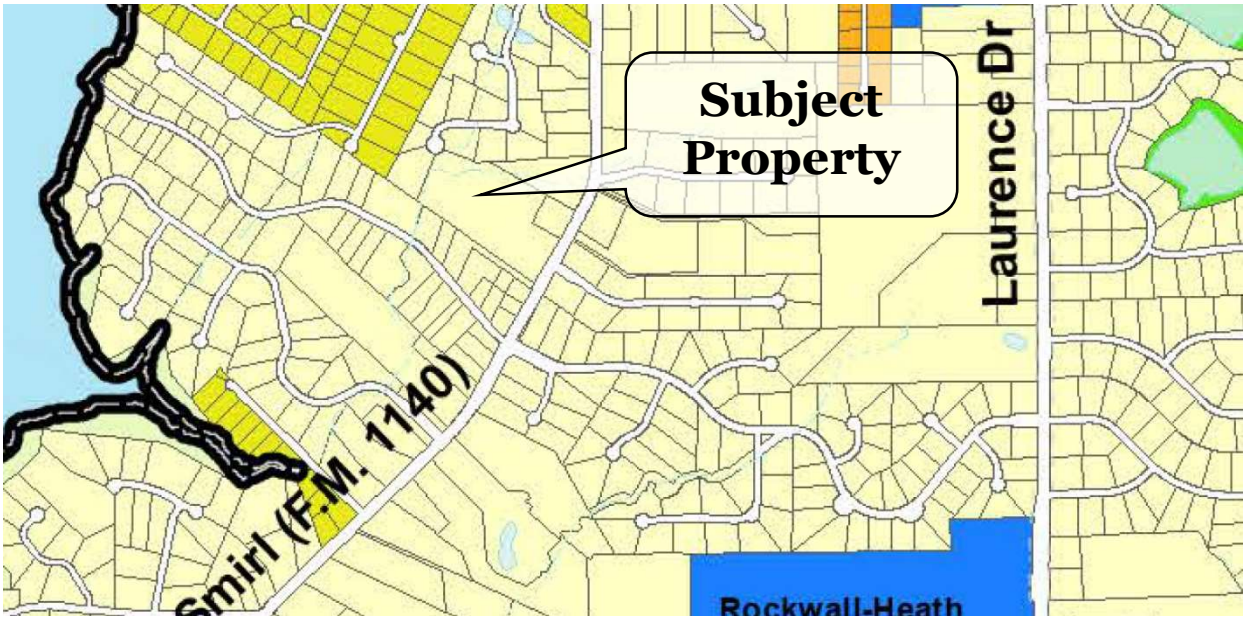
CITY OF HEATH

Case No. FP-2022-09

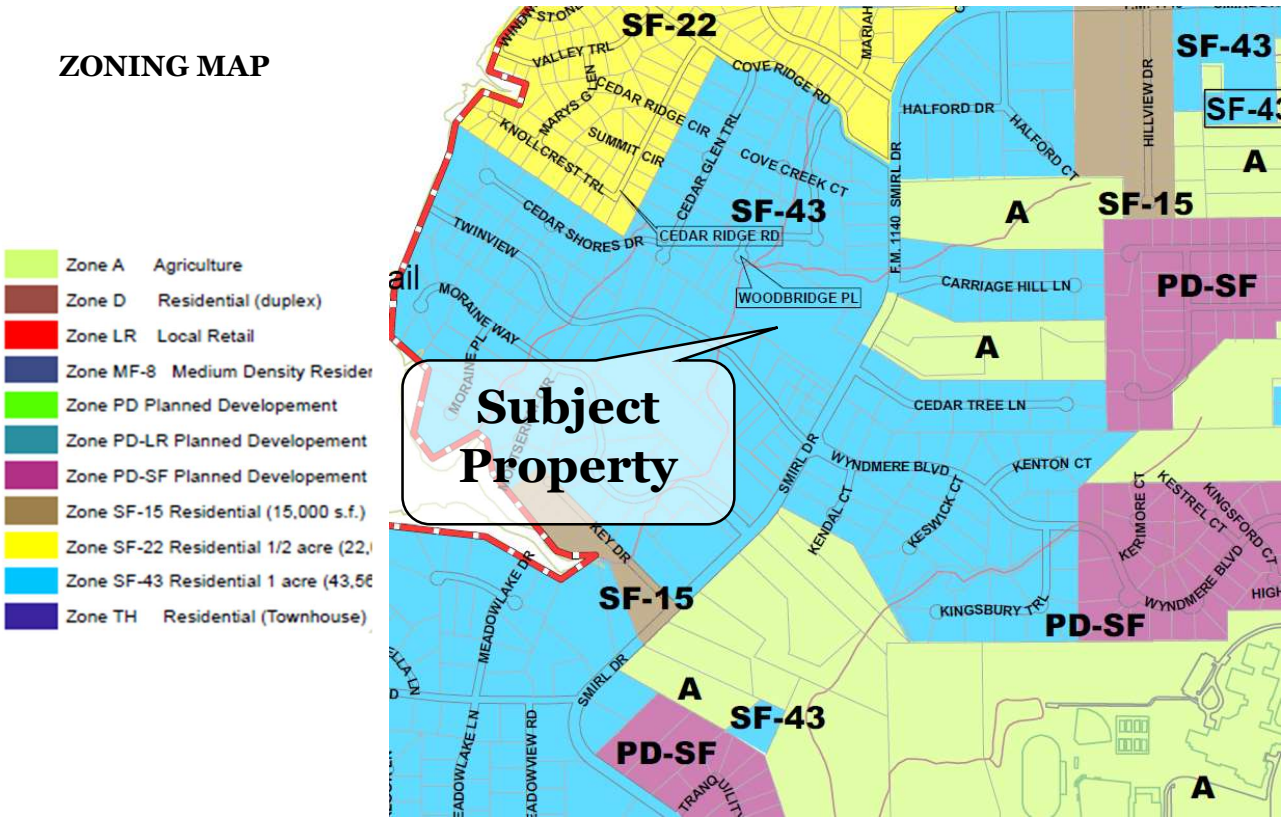
Consider and take action on the Final Plat of Trahan Family Farm Addition consisting of 10.255 acres of land located in the City of Heath, Rockwall County, Texas, situated in the Edward Teal Survey Abstract 207, Tract 16, containing one (1) residential lot.

(Rockwall CAD ID No. 12655)

FUTURE LAND USE MAP – Comprehensive Plan 2018



ZONING MAP



* LEGEND *

PROPERTY LINE	
EASEMENT	
EDGE OF ASPHALT	

* LEGEND *

CIRF	CAPPED IRON ROD FOUND
CIRS	CAPPED IRON ROD SET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
X-CUT	"X" CUT ON CONCRETE
ABST.	ABSTRACT NUMBER
(C.M.)	CONTOLLING MONUMENT
PFC	POINT FOR CORNER
D.R.R.C.T.	DEED RECORDS, ROCKWALL COUNTY, TEXAS
P.R.R.C.T.	PLAT RECORDS, ROCKWALL COUNTY, TEXAS
DOC.	DOCUMENT
NO.	NUMBER
VOL.	VOLUME
BK.	BOOK
CAB.	CABINET
PG.	PAGE
B.S.B.	BUILDING SETBACK
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
POB	POINT OF BEGINNING
NTS	NOT TO SCALE
AC	ACRES
SF	SQUARE FEET
N	NORTHING
E	EASTING

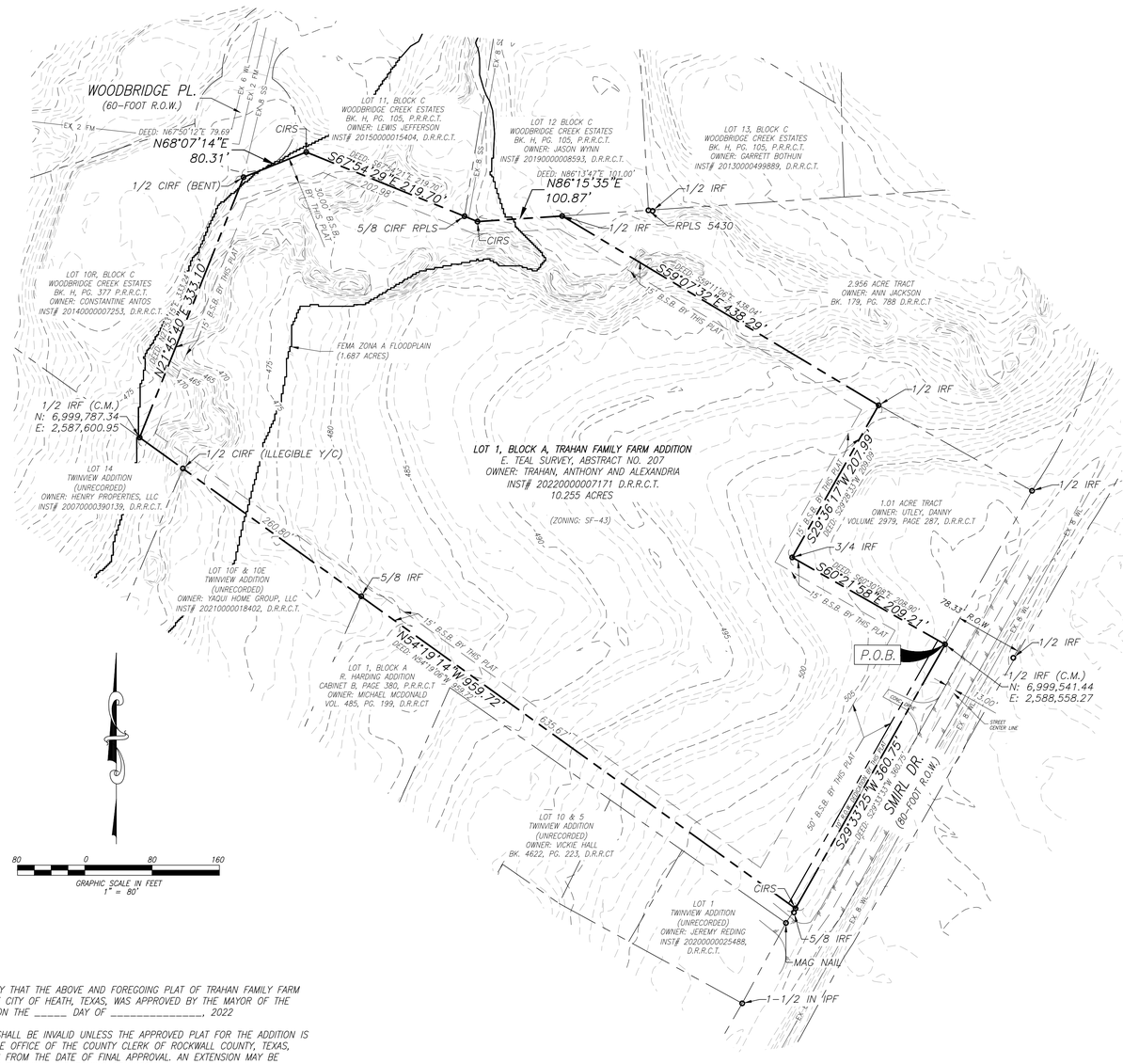


LOCATION MAP (N.T.S.)

PLAT NOTES

1. NO BUILDINGS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE UTILITY EASEMENTS AS DESCRIBED HEREIN.
2. THE CITY OF HEATH WILL NOT BE RESPONSIBLE FOR ANY CLAIMS OF ANY NATURE RESULTING FROM OR OCCASIONED BY THE ESTABLISHMENT OF GRADE OF STREETS IN THE SUBDIVISION.
3. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEM ON ANY OF THESE EASEMENT STRIPS; AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS OR EGRESS TO, FROM AND UPON THE SAID EASEMENT STRIPS FOR PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTING, PATROLLING, MAINTAINING, AND EITHER ADDING TO OR REMOVING ALL OR PART OF THEIR RESPECTIVE SYSTEM WITHOUT THE NECESSITY OF, AT ANY TIME, PROCURING THE PERMISSION OF ANYONE.
4. NO HOUSE, DWELLING, OR UNIT OR OTHER STRUCTURE SHALL BE CONSTRUCTED ON ANY LOT IN THIS ADDITION BY THE OWNER OR ANY OTHER PERSON UNTIL:
   - 4.A. SUCH TIME AS THE DEVELOPER AND/OR OWNER HAS COMPLIED WITH ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF HEATH REGARDING IMPROVEMENTS WITH RESPECT TO THE ENTIRE BLOCK ON THE STREET AND/OR STREETS ON WHICH THE PROPERTY ABUTS (A CORNER LOT SHALL BE REGARDED AS ABUTTING ON BOTH INTERSECTING STREETS ADJACENT TO THE LOT), INCLUDING THE ACTUAL INSTALLATION OF STREETS, WATER, SEWER, DRAINAGE STRUCTURES, AND STORM SEWERS AND ALLEYS, ALL ACCORDING TO THE SPECIFICATIONS OF THE CITY OF HEATH
   - 4.B. UNTIL AN ESCROW DEPOSIT, SUFFICIENT TO PAY FOR THE COST OF SUCH IMPROVEMENTS, AS DETERMINED BY THE CITY'S ENGINEER AND/OR OTHER DESIGNATED PERSON, COMPUTED ON A PRIVATE COMMERCIAL RATE BASIS, HAS BEEN MADE WITH THE CITY SECRETARY, ACCOMPANIED BY AN AGREEMENT SIGNED BY THE DEVELOPER AND/OR OWNER, AUTHORIZING THE CITY TO MAKE SUCH IMPROVEMENTS AT PREVAILING PRIVATE COMMERCIAL RATES, OR HAVE THE SAME MADE BY A CONTRACTOR AND PAY FOR THE SAME OUT OF THE ESCROW DEPOSIT, SHOULD THE DEVELOPER AND/OR OWNER FAIL OR REFUSE TO INSTALL THE REQUIRED IMPROVEMENTS WITHIN THE TIME STATED IN SUCH WRITTEN AGREEMENT, BUT IN NO CASE SHALL THE CITY BE OBLIGATED TO MAKE SUCH IMPROVEMENTS ITSELF. THE DEPOSIT MAY BE USED BY THE OWNER AND/OR DEVELOPER AS PROGRESS PAYMENTS AS THE WORK PROGRESSES IN MAKING SUCH IMPROVEMENTS BY MAKING CERTIFIED REQUISITIONS TO THE CITY SECRETARY, SUPPORTED BY EVIDENCE OF WORK DONE; OR
   - 4.C. UNTIL THE DEVELOPER AND/OR OWNER FILES A CORPORATE SURETY BOND WITH THE CITY SECRETARY IN A SUM EQUAL TO THE COST OF THE IMPROVEMENTS FOR THE DESIGNATED AREA, GUARANTEEING THE INSTALLATION THEREOF WITHIN THE TIME STATED IN THE BOND, WHICH TIME SHALL BE FIXED BY THE CITY COUNCIL OF THE CITY OF HEATH.
5. THE DEVELOPER WILL COMPLY WITH ALL THE CITY REQUIREMENTS IN THE PROPOSED SUBDIVISION AND ALL PROPOSALS SHALL CONFORM TO OR EXCEED THE STANDARDS FOR THE IMPROVEMENTS PRESCRIBED BY THE CITY. THE FINAL PLAT MUST BE FILED WITHIN ONE YEAR OF PRELIMINARY PLAT APPROVAL, UNLESS EXTENSION IS GRANTED BY THE PLANNING AND ZONING COMMISSION.

(SUBDIVIDER) _____



I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF TRAHAN FAMILY FARM ADDITION TO THE CITY OF HEATH, TEXAS, WAS APPROVED BY THE MAYOR OF THE CITY OF HEATH ON THE _____ DAY OF _____, 2022

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED PLAT FOR THE ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF ROCKWALL COUNTY, TEXAS, WITHIN 365 DAYS FROM THE DATE OF FINAL APPROVAL. AN EXTENSION MAY BE GRANTED BY THE PLANNING AND ZONING COMMISSION.

THE ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF HEATH.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2022

CITY SECRETARY _____

CITY OF HEATH, TEXAS

CLIENT: ANTHONY TRAHAN (972) 746-1303 TONYMTRAHAN@GMAIL.COM 0 SMIRL DRIVE, HEATH, TX 75032	THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE THERE MAY BE OTHER MATTERS THAT AFFECT THIS PROPERTY THAT ARE NOT SHOWN.
SURVEYOR: HANNA SURVEYING AND ENGINEERING, LLC 11729 E FM 917 ALVARADO, TX 76009 PH: 682-553-9474 FIRM NO. 10194633	

FINAL PLAT
LOT 1, BLOCK A
TRAHAN FAMILY FARM ADDITION

* NOTES *
1. BASIS OF BEARING FOR THIS PLAT IS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD-83, NORTH CENTRAL ZONE 4202, AS OBSERVED ON THE ALLTERRA RTK NETWORK. ALL POINTS IN THIS SURVEY ARE SHOWN ON GRID COORDINATES, NO SCALE AND NO PROJECTION.
2. CONTROLLING MONUMENTS ARE AS NOTED.
3. ALL CAPPED IRON RODS SET WITH 5/8 INCH REBAR WITH YELLOW CAP STAMPED "HANNA SURV PLS 6647".
4. ACCORDING TO THE FEDERAL EMERGENCY AGENCY, FLOOD INSURANCE MAP NUMBER 48397C0105L, DATED SEPTEMBER 26, 2008, CITY OF HEATH TEXAS, THIS LOT IS WITHIN ZONE A, A SPECIAL FLOOD HAZARD AREA INDICATED BY THE 100-YEAR FLOOD EVENT.

FIELD SURVEY BY: KR	DATE: 08/29/2022	PROJECT NO. 22-515
DRAWN BY: DL	SCALE: 1" = 80'	SAM@HANNA-SE.COM

HANNA SURVEYING & ENGINEERING LLC.

I, SAMUEL C. HANNA, A REGISTERED PROFESSIONAL LAND SURVEYOR FOR THE STATE OF TEXAS, DO HEREBY STATE THAT THE SUBDIVISION PLAT SHOWN HEREON ACCURATELY REPRESENTS THE DESCRIBED PROPERTY, AS DETERMINED BY A SURVEY MADE ON THE GROUND, UNDER MY DIRECTION AND SUPERVISION.

STATE OF TEXAS
REGISTERED
SAMUEL C. HANNA
6647
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

Date:

_____
SAMUEL C. HANNA
Registered Professional Land Surveyor
Texas Registration No. 6647

REVIEWED FOR PRELIMINARY APPROVAL:

CHAIRPERSON: _____ DATE: _____
PLANNING AND ZONING COMMISSION

APPROVED:

MAYOR: _____ DATE: _____
CITY OF HEATH, TEXAS

STATE OF TEXAS:

COUNTY OF ROCKWALL:

LEGAL DESCRIPTION

BEING A 10.255 ACRES TRACT OF LAND SITUATED IN THE E. TEAL SURVEY, ABSTRACT NO. 207, ROCKWALL COUNTY, TEXAS, AS CONVEYED TO ANTHONY AND ALEXANDRIA TRAHAN IN A DEED, RECORDED IN INSTRUMENT NUMBER 20220000007171, OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS (D.R.R.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND, SAID POINT BEING THE MOST EASTERLY CORNER OF SAID SUBJECT TRACT, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF A 1.01 ACRE TRACT OF LAND, AS CONVEYED TO DANNY UTLEY IN A DEED RECORDED IN VOLUME 2979, PAGE 287, D.R.R.C.T., SAID POINT ALSO BEING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SMIRL DRIVE, SAID POINT ALSO BEING **THE POINT OF BEGINNING;**

THENCE FOLLOWING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SMIRL DRIVE, SOUTH 29 DEGREES 33 MINUTES 25 SECONDS WEST, A DISTANCE OF 360.75 FEET, TO A 5/8-INCH IRON ROD SET WITH CAP STAMPED "HANNA SURV PLS 6647", SAID POINT BEING THE MOST SOUTHERLY CORNER OF SAID SUBJECT TRACT, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK A, OF THE R. HARDING ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, TEXAS, AS DEPICTED IN A PLAT THEREOF, RECORDED IN CABINET B, PAGE 380, OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS (P.R.R.C.T.), AS CONVEYED TO MICHAEL MCDONALD IN A DEED RECORDED IN VOLUME 485, PAGE 199, D.R.R.C.T.;

THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SMIRL DRIVE, AND FOLLOWING THE COMMON LINE OF SAID SUBJECT TRACT AND SAID LOT 1, BLOCK A, NORTH 54 DEGREES 19 MINUTES 14 SECONDS WEST, PASSING A 5/8-INCH IRON ROD FOUND AT A DISTANCE OF 635.67 FEET FOR THE MOST NORTHERLY CORNER OF SAID LOT 1, BLOCK A, PASSING A 1/2-INCH IRON ROD FOUND WITH YELLOW CAP AT 896.47 FEET FOR THE MOST NORTHERLY CORNER OF LOT 10F AND 10E OF THE UNRECORDED TWINVIEW ADDITION, AS CONVEYED TO YAQUI HOME GROUP, LLC IN A DEED RECORDED IN INSTRUMENT NUMBER 20210000018402, D.R.R.C.T., SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 14 OF SAID UNRECORDED TWINVIEW ADDITION, AS CONVEYED TO HENRY PROPERTIES, LLC IN A DEED RECORDED IN INSTRUMENT NUMBER 20070000390139, D.R.R.C.T., CONTINUING A TOTAL DISTANCE OF 959.72 FEET, TO A 1/2-INCH IRON ROD FOUND, SAID POINT BEING THE MOST WESTERLY CORNER OF SAID SUBJECT TRACT, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID LOT 14, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF LOT 10R, BLOCK C, OF THE WOODBRIDGE CREEK ESTATES ADDITION, AS DEPICTED IN A PLAT THEREOF, RECORDED IN BOOK H, PAGE 377, P.R.R.C.T., AS CONVEYED TO CONSTANTINE ANTOS IN A DEED RECORDED IN INSTRUMENT NUMBER 20140000007253, D.R.R.C.T.;

THENCE DEPARTING THE COMMON LINE OF SAID SUBJECT TRACT AND SAID LOT 14, AND FOLLOWING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID LOT 10R, NORTH 21 DEGREES 45 MINUTES 40 SECONDS EAST, A DISTANCE OF 333.10 FEET, TO A 1/2-INCH IRON ROD FOUND WITH CAP FOR AN ANGLE POINT;

THENCE NORTH 68 DEGREES 07 MINUTES 14 SECONDS EAST, A DISTANCE OF 80.31 FEET, TO A 5/8-INCH IRON ROD SET WITH CAP STAMPED "HANNA SURV PLS 6647", SAID POINT BEING THE MOST NORTHERLY CORNER OF SAID SUBJECT TRACT, SAID POINT ALSO BEING AN ANGLE POINT IN THE COMMON LINE OF SAID SUBJECT TRACT AND LOT 11, BLOCK C OF SAID WOODBRIDGE CREEK ESTATES ADDITION, AS CONVEYED TO LEWIS JEFFERSON IN A DEED RECORDED IN INSTRUMENT NUMBER 20150000015404, D.R.R.C.T.;

THENCE CONTINUING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID LOT 11, SOUTH 67 DEGREES 54 MINUTES 29 SECONDS EAST, PASSING A 5/8-INCH IRON ROD FOUND WITH CAP AT A DISTANCE OF 202.98 FEET FOR THE MOST SOUTHERLY CORNER OF SAID LOT 11, SAID POINT ASLO BEING THE MOST WESTERLY CORNER OF LOT 12, BLOCK C, OF SAID WOODBRIDGE CREEK ESTATES ADDITION, AS CONVEYED TO JASON WYNN IN A DEED RECORDED IN INSTRUMENT NUMBER 20190000008593, D.R.R.C.T., CONTINUING A TOTAL DISTANCE OF 219.70 FEET, TO A 5/8-INCH IRON ROD SET WITH CAP STAMPED "HANNA SURV PLS 6647", SAID POINT BEING THE MOST SOUTHERLY CORNER OF SAID LOT 12;

THENCE CONTINUING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID LOT 12, NORTH 86 DEGREES 15 MINUTES 35 SECONDS EAST, A DISTANCE OF 100.87 FEET, TO A 1/2-INCH IRON ROD FOUND, SAID POINT BEING THE MOST WESTERLY CORNER OF A 2.956 ACRE TRACT OF LAND AS CONVEYED TO ANN JACKSON IN A DEED RECORDED IN BOOK 179, PAGE 788, D.R.R.C.T.;

THENCE CONTINUING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID 2.956 ACRE TRACT, SOUTH 59 DEGREES 07 MINUTES 32 SECONDS EAST, A DISTANCE OF 438.29 FEET, TO A 1/2-INCH IRON ROD FOUND, SAID POINT BEING THE MOST NORTHERLY CORNER OF SAID 1.01 ACRE TRACT;

THENCE DEPARTING THE COMMON LINE OF SAID SUBJECT TRACT AND SAID 2.956 ACRE TRACT, AND FOLLOWING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID 1.01 ACRE TRACT, SOUTH 29 DEGREES 36 MINUTES 17 SECONDS WEST, A DISTANCE OF 207.99 FEET, TO A 3/4-INCH IRON ROD FOUND, SAID POINT BEING THE MOST WESTERLY CORNER OF SAID 1.01 ACRE TRACT;

THENCE CONTINUING ALONG THE COMMON LINE OF SAID SUBJECT TRACT AND SAID 1.01 ACRE TRACT, SOUTH 60 DEGREES 21 MINUTES 58 SECONDS EAST, A DISTANCE OF 209.21 FEET, TO **THE POINT OF BEGINNING**, AND CONTAINING 446,729.04 SQUARE FEET, OR 10.255 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT ANTHONY AND ALEXANDRIA TRAHAN DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS TRAHAN FAMILY FARM ADDITION, AN ADDITION TO THE CITY OF HEATH, TEXAS, AND HEREBY DEDICATES TO THE PUBLIC USE FOREVER THE STREETS SHOWN THEREON, AND HEREBY RESERVES THE EASEMENT STRIPS SHOWN ON THIS PLAT FOR THE PURPOSES STATED AND FOR THE MUTUAL ACCOMMODATION AND USE OF ALL UTILITIES DESIRING OR USING SAME. THE CITY OF HEATH AND PUBLIC UTILITIES SHALL AT ALL TIMES, HAVE THE RIGHT OF EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF PROCURING PERMISSION FROM ANYONE. THE CITY OF HEATH OR ROCKWALL COUNTY WILL NOT BE RESPONSIBLE FOR ANY CLAIMS OF ANY NATURE RESULTING FROM OR OCCASIONED BY THE ESTABLISHMENT OF GRADES ON STREETS IN THIS SUBDIVISION.

WITNESS MY HAND THIS ___ DAY OF _____, 2022

_____
(SUBDIVIDER)

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED ANTHONY TRAHAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2022

_____
NOTARY PUBLIC IN AND FOR TARRANT COUNTY

MY COMMISSION EXPIRES:
___/ ___/ _____

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED ALEXANDRIA TRAHAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2022

_____
NOTARY PUBLIC IN AND FOR TARRANT COUNTY

MY COMMISSION EXPIRES:
___/ ___/ _____

FINAL PLAT
LOT 1, BLOCK A,
TRAHAN FAMILY FARM ADDITION,
AN ADDITION TO THE CITY OF HEATH,
ROCKWALL COUNTY, TEXAS
EDWARD TEAL SURVEY, ABSTRACT NO. 207
10.255 ACRES

H:\2022\22-515 - Smirl Drive Heath Plat\Survey\22-515 - Smirl Drive Heath FINAL Plat.dwg

CITY OF HEATH
PLAT APPLICATION

Procedures required by Local Government Code Section 212.004 and City of Heath Code of Ordinances, Chapter 158, Subdivision Regulations

COVER SHEET

Check one:

☐ Preliminary - Residential	☐ Short Form Plat (five acres or less residential)
☐ Preliminary - Non-Residential or Mixed Use	☐ Development Plat
☒ Final - Residential	☐ Amended Plat
☐ Final - Non-Residential or Mixed-Use	☐ Replat

X INITIAL SUBMITTAL

- X Complete Plat Application, Part I – Application Information
- X Complete Plat Application Part II – Plat Checklist (*complete corresponding checklist*)
- X Current Tax Certificate issued by appropriate appraisal district:
  Rockwall Central Appraisal District, 841 Justin Road, Rockwall, TX, 972-771-2034
  Kaufman Central Appraisal District, 3950 S Houston St, Kaufman, TX, (972) 932-6081
- X Fees (based on Fee Schedule); make checks payable to: City of Heath

RESUBMITTAL:

- — Include original Staff-marked Drawings and supporting information
- — Fees, as required

PART I: APPLICATION INFORMATION

Name: Samuel C. Hanna

Address: 11729 E. FM 917, Alvarado, TX 76009

Telephone Number: 682-553-9474

Email Address: sam@hanna-se.com

SUBDIVISION NAME: Trahan Family Farm Addition

LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)
Tract 16, E. Teal Survey, Abstract Number 207 (approx. 10.25 acres)

LEGAL OWNER OF PROPERTY INVOLVED: Anthony Trahan and Alexandria Trahan

REASON FOR REQUEST: Creating one lot for a new, single family residence.

APPLICANT STATEMENT (*select one*):

Trahan Family Farm

__X__ I understand that the plat for Addition will not be scheduled for consideration by the Planning & Zoning Commission until such time as all staff comments have been addressed. I hereby waive the requirement that the plat be acted on by the Planning and Zoning Commission and/or the City Council within 30 days under the provisions of the Texas Local Government Code, Section 212.009, and understand and agree that the plat will be considered when it is administratively complete which may be longer than 30 days after the plat is filed; or

_____ I hereby request that the plat for _____ be scheduled for consideration at the next Planning & Zoning Commission meeting, regardless of the review process and staff determination that the application is administratively complete. I understand that a staff recommendation for approval of an application is generally forthcoming only for submissions deemed administratively complete and for which all staff comments have been addressed. I further understand that if my application is not approved, new application fees will be required for reconsideration.

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: _____ 08/29/2022

Owner / Authorized Agent — Date

Printed Name: TONY TRAHAN

Owner / Authorized Agent

Title: _____

Company: _____

City Office Use Only:

Fee paid (*due at time of application*)	**Amount:** _____ **Check #** **or Cash**
Required items submitted	
Development Engineer Comments	
Development Review Committee Comments	
Comments Addressed by Applicant	
Publication/Notification (if needed)	
Planning & Zoning Action	
City Council Action	

PART II: PLAT CHECKLIST

SUBDIVISION: Trahan Family Farm Addition

PRELIMINARY PLAT CHECKLIST

REQUIREMENT	COMPLETED
1. Application/Checklist submitted with plats	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Fees paid per the Fee Schedule	
4. Preliminary Plat must contain the following: (See §158.06)	
A. Location map	
B. Names of owner and party responsible for preparation of plat	
C. Identification (proposed name of the subdivision)	
D. Names of adjacent subdivisions and/or property owners	
E. Boundary lines, width, and location of existing streets w/in or adjacent to site	
F. Physical features of the property, inc location and size of water and sewer mains	
G. Contours shown at 2 foot intervals and acreage of the property to be indicated; boundaries of acreage of flood plain must be shown	
H. Location and width of proposed streets, lots, easements and other features, etc.	
I. North point, scale and date	
J. Boundary line of tract to be submitted	
K. Names of proposed streets	
L. Layout, number and dimensions of proposed lots or tracts and square feet of each	
M. All parcels intended to be dedicated to public use and the acreage	
N. All parcels intended to be reserved for common use of owners and acreage	
O. Any and all arrangement of lots, building lines, or streets proposed	
5. Profiles and cross sections *may* be required	
6. Designation of all proposed land uses within subdivision including acreage, such as:	
a. classified type of residential use by zoning ordinance	
b. location of retail classification of industrial sites by zoning ordinance	
c. sites for churches, schools or other special uses	
7. Dedication of all park land or cash in lieu of land per Park Land Dedication Ordinance	
8. Preliminary Plat for non-residential property to be accompanied by a Treescape Plan:	
A. Location of all existing/proposed structures as shown on the grading plan	
B. All improvements properly dimensioned and referenced to property lines	
C. Setback and yard requirements	
D. Existing and proposed site elevations and grades	
E. Location of existing/proposed utilities and easements	
F. Name, address, lot/block, subdivision name, address/phone of plan preparer	
9. Certificates (see Code for specific format and wording)	
10. Subdivider's statement (see Code for specific language)	
11. Adequate number of copies for review by Development Review Committee	

FINAL PLAT CHECKLIST
(Also Use for Short Form Plat, Development Plat, Replat and Amended Plat)

REQUIREMENT	COMPLETED
1. Preliminary Plat previously submitted and approved in accordance with the code OR in the case of a short form division (See §158.08), development plat (See §158.03[E]), replat or amended plat (See §158.09[E]), attach the preliminary checklist showing all preliminary platting requirements completed	x
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	x
3. Attach Park Land Dedication recommendation from Park Board and P&Z	n/a
4. Application/Checklist submitted with drawing	x
5. Fees paid per the Fee Schedule	x
6. If applicable, attach letter from private water supply company stating:	
• the company has reviewed the water plans;	n/a
• sufficient water pressure and volume for domestic use will be provided; and	n/a
• sufficient water pressure and volume for fire protection will be provided.	n/a
7. The Plat shall show:	
A. Name of owner and/or subdivider	x
B. Name of the licensed state land surveyor responsible for the plat	x
C. Name of the subdivision	x
D. Names of adjacent subdivisions and/or property owners	x
E. Names of streets	x
F. Accurate boundary survey and description of the property	x
G. Lines of adjacent lands and adjacent street and alleys w/widths and names	x
H. North point, scale and date	x
I. Location of proposed lots, streets, public highways, alleys, parks	n/a
J. Accurate dimensions of lots, streets, etc. in feet and decimal fractions of feet	x
K. Length of radii and/r arcs of all curves, angles, w/other engineering information	x
L. Dimensions shall be shown from all angle points	x
L. Contours with a minimum of 2 feet shown as light dashed lines	x
M. All elevations shown should refer to sea level datum.	x
N. Locations of building lines on front and side streets and utility easements	x
O. Instrument of dedication (see code for instruction) signed by owner(s)	x
P. Certificate of dedication of all streets, public highways, alleys, parks, etc.	x
Q. All deed restrictions to be filed with the plat shall be shown or filed separately	x
R. Waiver of claim for damages (see code for instruction)	x
S. Certification by licensed surveyor (see code instruction)	x
T Certificates of approval (see code for format and wording)	x
8. Plat shall be accompanied by plan-profile sheets for each proposed street:	
-- 24 by 36 inches	n/a
-- having a scale of 40 feet to horizontal inch and five or six feet to a vertical inch	n/a
-- see code for specific and additional requirement for plan profiles	n/a
9. Typical cross sections of the type and width of paving for proposed for streets	n/a
10. Appropriate right-of-way is dedicated	x
11. Reviewed by Development Review Committee	x
12. All development fees (escrow, impact, etc.) have been paid	

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 10/04/2022 **AGENDA ITEM: 5.b**

Item:

Case No. PP-2022-05: Consider and take action on the Preliminary Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots. (Rockwall CAD ID No. 11875)

Applicant:

Rodney and Terri Foy

Owners:

Rodney and Terry Foy

Current Zoning:

(SF-43) Single Family Residential District

Background:

The applicant requests approval of the Preliminary Plat of Foy Lake Estate Addition. The Preliminary Plat contains three (3) single family residential lots that conform to the area requirements of the (SF-43) Single-Family Residential zoning of the property.

STREETS: The subdivision will gain access from a private street that connects to Candlelite Trail south of Darrell Road. The plat includes a 35' Private Street and Fire Lane Access and Utility Easement.

WATER: An 8" water line will be extended from an existing water line located in the 40' Access & Utility Easement adjacent to the southern boundary of the Candlelite Park Addition.

SEWER: Each of the lots will be served by an on-site sewer facility with the aeration field located on the side of the lot opposite the lake.

DRAINAGE: The addition drains to Lake Ray Hubbard.

TREE PRESERVATION: A Treescape Plan will be required with the building permit application and inspected prior to issuing a Certificate of Occupancy.

Financial Impact:

NA

Legal Impact:

NA

Staff Recommendation:

As of Friday, September 29th, the applicant has not addressed all of the DRC's review comments. Staff met with the applicant on Thursday, September 29th and scheduled another meeting with the applicant on Monday, October 3rd to address any remaining unfinished required revisions. Once all of the DRC required revisions are incorporated into the Preliminary Plat, staff's recommendation will be for approval. If all of the required revisions are not complete, staff may still recommend approval with a specific list of conditions to be included in the motion to address unfinished revisions.

As a reminder, the Texas Local Government Code, Chapter 212 requires that the Planning and Zoning Commission act on the plat application within the 30 day shot clock.

Attachments:
PP-2022-05 Vicinity Map.pdf
PP-2022-05 Comp Plan and Zoning.pdf
PP-2022-05 Preliminary Plat 1st Submittal.pdf
PP-2022-05 Application.pdf



Vicinity Map
(Not to scale)

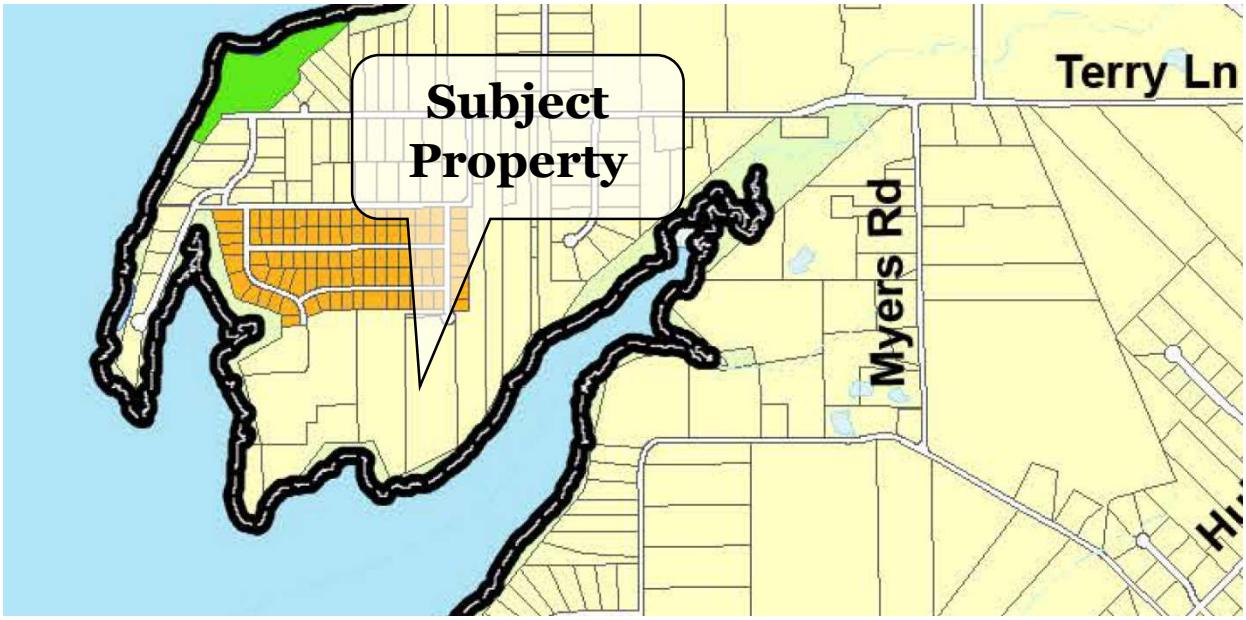
CITY OF HEATH

Case No. PP-2022-05

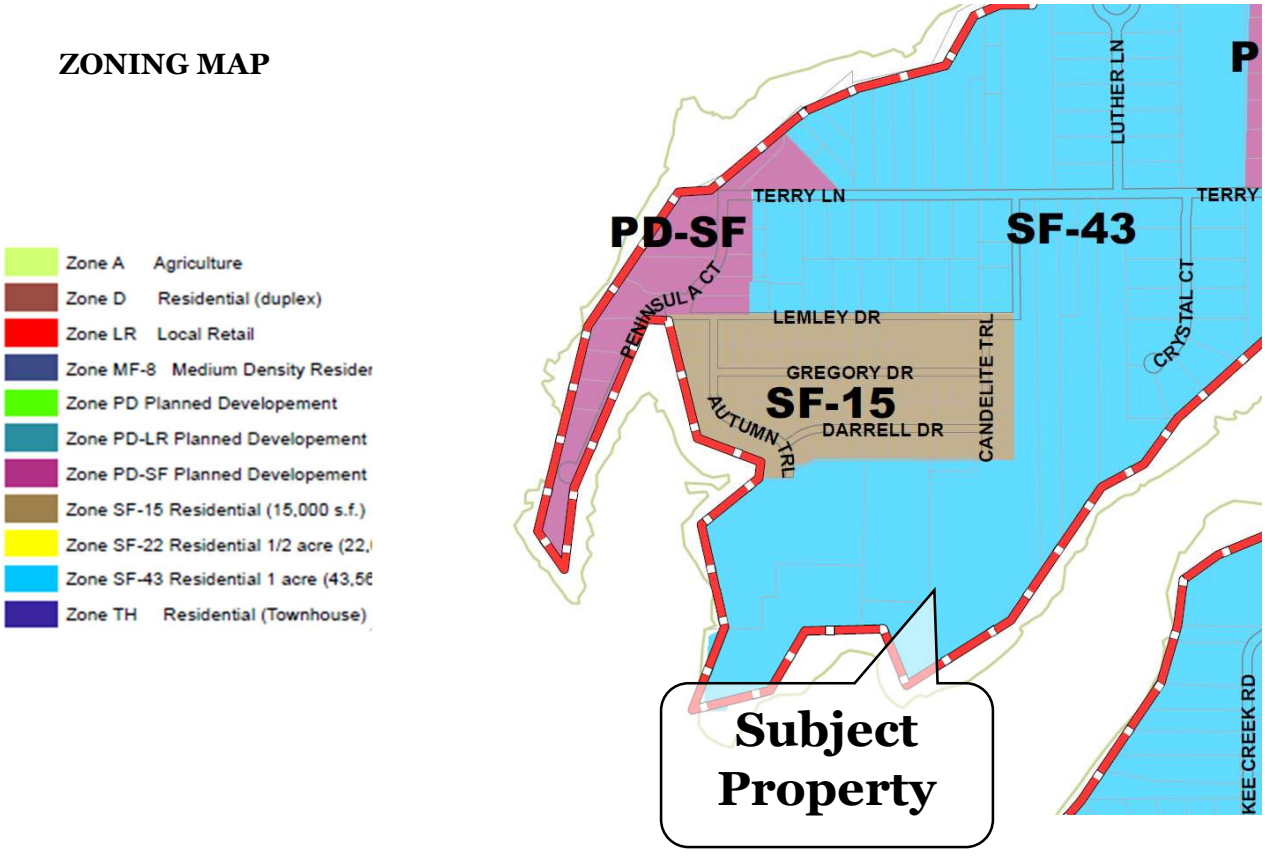
Consider and take action on the Preliminary Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots.

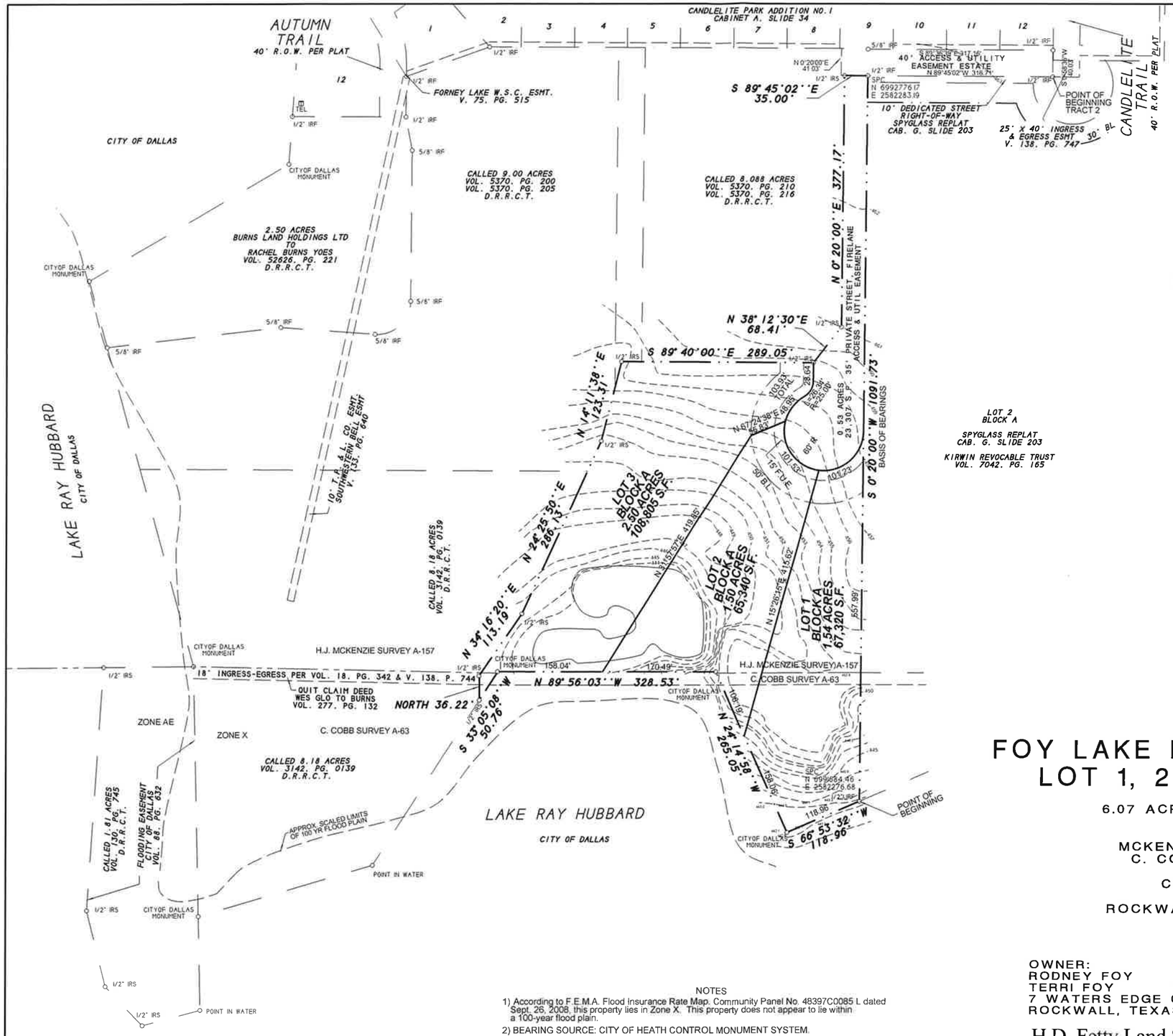
(Rockwall CAD ID No. 11875)

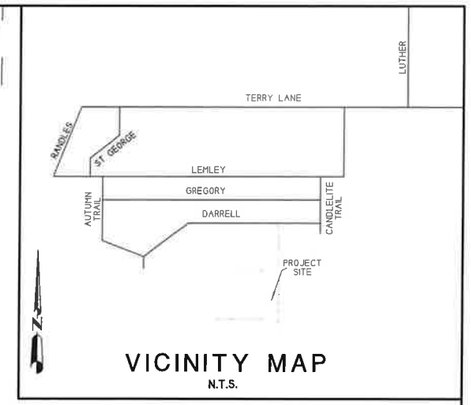
FUTURE LAND USE MAP – Comprehensive Plan 2018



ZONING MAP







VICINITY MAP
N.T.S.

N

0 100 200 300
GRAPHIC SCALE 1" = 100'

FINAL PLAT

FOY LAKE ESTATE ADDITION
LOT 1, 2 & 3, BLOCK A

6.07 ACRES OR 264,772 S.F.
(1 LOT)

MCKENZIE SURVEY, A-157
C. COBB SURVEY A-63

CITY OF HEATH

ROCKWALL COUNTY, TEXAS

SHEET 1 OF 2

NOTES
1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0085 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.
2) BEARING SOURCE: CITY OF HEATH CONTROL MONUMENT SYSTEM.
3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

SYMBOL LEGEND

SURVEY DATE NOVEMBER 14, 2018
SCALE 1" = 100' FILE # 20170291-1RP
CLIENT FOY

OWNER:
RODNEY FOY
TERRI FOY
7 WATERS EDGE COURT
ROCKWALL, TEXAS 75032

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, Rodney Foy and Terri Foy, are the owners of the following described tract:

All that certain lot, tract or parcel of land situated in the H.J. MCKENZIE SURVEY, ABSTRACT NO. 157 and CARY COBB SURVEY, ABSTRACT NO. 63, City of Heath, Rockwall County, Texas, and being part of a 8.088 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 510 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed from Esther Mcallister Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 516 of the Official Public Records of Rockwall County, Texas, and also being part of a 8.186 acres tract of land as described in a Warranty deed from Elizabeth Ellison Burns to Livingston Newton Burns, as recorded in Volume 3142, Page 139 of the Real Property Records of Rockwall County, Texas, and also being a part of a 9.00 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 200 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed recorded in Volume 5370, Page 205 of the Official Public Records of Rockwall County, Texas, and also being part of the 18 foot road described in a Quit Claim deed from Wes Glo Corporation to Livingston Newton Burns and Elizabeth E. Burns, as recorded in Volume 277, Page 132 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING a 1/2" iron rod found for corner at the southwest corner of said Lot 2, Block A, SPYGLASS ADDITION, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet G, Slide 203 of the Plat Records of Rockwall County, Texas, and also being at the southeast corner of said 8.088 acres tract and being in the City of Dallas take line for Lake Ray Hubbard;

THENCE along the City of Dallas take line for Lake Ray Hubbard as follows:

S. 66 deg. 53 min. 32 sec. W. a distance of 118.96 feet to a City of Dallas Water Dept. Monument found;

N. 24 deg. 14 min. 58 sec. W. a distance of 265.05 feet to a City of Dallas Water Dept. Monument found;

N. 89 deg. 56 min. 03 sec. W. a distance of 328.53 feet to a City of Dallas Water Dept. Monument found;

S. 33 deg. 05 min. 08 sec. W. a distance of 50.76' to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N 00 deg. 00 min. 00 sec. E. leaving said take line and across said 8.18 acres tract, a distance of 36.22 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 34 deg. 16 min. 20 sec. E. a distance of 113.19 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 24 deg. 25 min. 50 sec. E. a distance of 286.13 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 14 deg. 11 min. 38 sec. E. a distance of 123.31 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 89 deg. 40 min. 00 sec. E. a distance of 289.05 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 38 deg. 12 min. 30 sec. E. a distance of 68.41 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 00 deg. 20 min. 00 sec. E. a distance of 377.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 89 deg. 45 min. 02 sec. E. a distance of 35.00 feet a 1/2" iron rod found at the northwest corner of said Lot 2, Block A, Spyglass;

THENCE S. 00 deg. 20 min. 00 sec. W. along the west line of said Addition, a distance of 1091.73 feet to the POINT OF BEGINNING and containing 264,772 square feet or 6.07 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, Rodney and Terri Foy are the owners of said tract, and do hereby adopt this plat designating the hereinabove described property as FOY LAKE ESTATE ADDITION, LOT 1, 2, & 3, BLOCK A an Addition in the city of Heath, Rockwall County, Texas, and do hereby dedicate to the public use forever the street and easements shown. No buildings shall be placed upon, over or across the utility easements as described herein.

Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use or using same. All public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or growths which may in any way, endanger or interfere with construction, maintenance, or efficiency of its respective system on the utility easements. All public utilities shall at all times have the full right to ingress and egress to and from and upon the said utility easements for the purpose of constructing, reconstruction, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of at any time, procuring the permission of anyone. Any public utility shall have the further right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility. The City of Heath will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grades of streets in this addition. No house, dwelling unit, or other structures shall be constructed on any lot, in this addition by the owner or any other person until such time as the developer has complied with all requirements of the Platting Ordinance of the City of Heath regarding such improvements with respect to the entire block on the street or streets on which the property abuts, including sewers, all according to the specifications of the City of Heath.

RODNEY FOY

TERRI FOY

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas My Commission Expires:

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

Notary Public in and for the State of Texas My Commission Expires:

EASEMENT ESTATE

BEING an easement for access and utilities across a tract of land situated in the H.J. MCKENZIE SURVEY, ABSTRACT NO. 157, City of Heath, Rockwall County, Texas, and being part of a 8.088 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 510 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed from Esther Mcallister Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 516 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the northeast corner of the second described tract in said Warranty deed recorded in Volume 5370, Page 210 and Volume 5370, Page 216, said point being in the west right-of-way line of Candlelite Trail, a 40 foot right-of-way, and being at the southeast corner of Lot 12, Block 5, CANDLELITE PARK ADDITION NO 1, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet A, Slide 34 of the Plat Records of Rockwall County, Texas;

THENCE S. 00 deg. 58 min. 36 sec. W. along said right-of-way line, a distance of 40.03 feet to a 1/2" iron rod found for corner;

THENCE N. 89 deg. 45 min. 02 sec. W. passing the northwest corner of Lot 2 of SPYGLASS ADDITION, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet G, Slide 203 of the Plat Records of Rockwall County, Texas, at a distance of 276.71 feet an 1/2" iron rod found for corner, and continuing a total distance of 316.71 feet to a point for corner;

THENCE N. 00 deg. 20 min. 00 sec. E. a distance of 41.03 feet to a point for corner in the south line of CANDLELITE PARK ADDITION NO 1, an Addition to the City of Heath, Texas;

THENCE S. 89 deg. 34 min. 10 sec. E. along the south line of said Addition, a distance of 317.16 feet to the POINT OF BEGINNING and containing 0.29 acres in said easement.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

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

STATE OF TEXAS
REGISTERED
HAROLD D FETTY III
5034
PROFESSIONAL
LAND SURVEYOR

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

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission Date

APPROVED

I hereby certify that the above and foregoing plat of FOY LAKE ESTATE ADDITION, LOT 1, 2, & 3, BLOCK A, an addition to the City of Heath, Texas, an addition to the City of Heath, Texas, was approved by the City Council of the City of Heath on the ___ day of _____, _____.

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

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

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

Mayor, City of Heath City Secretary City of Heath

City Engineer Date

FINAL PLAT

FOY LAKE ESTATE ADDITION
LOT 1, 2 & 3, BLOCK A

6.07 ACRES OR 264,772 S.F.
(1 LOT)

MCKENZIE SURVEY, A-157
C. COBB SURVEY A-63

CITY OF HEATH

ROCKWALL COUNTY, TEXAS

SHEET 2 OF 2

OWNER:
RODNEY FOY
TERRI FOY
7 WATERS EDGE COURT
ROCKWALL, TEXAS 75032

SYMBOL LEGEND

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY DATE NOVEMBER 14, 2018
SCALE 1" = 100' FILE # 20170291-IRP
CLIENT FOY

CITY OF HEATH
SEP 06 2022
COMMUNITY DEVELOPMENT

CITY OF HEATH
PLAT APPLICATION

Procedures required by Local Government Code Section 212.004 and City of Heath Code of Ordinances, Chapter 158, Subdivision Regulations

COVER SHEET

Check one:

☐ Preliminary - Residential	☐ Short Form Plat (five acres or less residential)
☐ Preliminary - Non-Residential or Mixed Use	☐ Development Plat
☑ Final - Residential	☐ Amended Plat
☐ Final - Non-Residential or Mixed-Use	☐ Replat

INITIAL SUBMITTAL

— Complete Plat Application, Part I – Application Information
— Complete Plat Application Part II – Plat Checklist (*complete corresponding checklist*)
— Current Tax Certificate issued by appropriate appraisal district:
Rockwall Central Appraisal District, 841 Justin Road, Rockwall, TX, 972-771-2034
Kaufman Central Appraisal District, 3950 S Houston St, Kaufman, TX, (972) 932-6081
— Fees (based on Fee Schedule); make checks payable to: City of Heath

RESUBMITTAL:

— Include original Staff-marked Drawings and supporting information
— Fees, as required

PART I: APPLICATION INFORMATION

Name: Rodney And Terri Foy
Address: 2287 Lafayette Landing Heath TX 75032
Telephone Number: 817-999-5111
Email Address: rfoy@discountarcade.com

SUBDIVISION NAME: Dream Harbor

LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)
ABS A0157 HS McKenzie Tract 27-1
6.11 Acres

LEGAL OWNER OF PROPERTY INVOLVED: Rodney & Terri Foy

REASON FOR REQUEST: Dividing into 3 lots

APPLICANT STATEMENT (*select one*):

RF I understand that the plat for _____ will not be scheduled for consideration by the Planning & Zoning Commission until such time as all staff comments have been addressed. I hereby waive the requirement that the plat be acted on by the Planning and Zoning Commission and/or the City Council within 30 days under the provisions of the Texas Local Government Code, Section 212.009, and understand and agree that the plat will be considered when it is administratively complete which may be longer than 30 days after the plat is filed; or

RF I hereby request that the plat for _____ be scheduled for consideration at the next Planning & Zoning Commission meeting, regardless of the review process and staff determination that the application is administratively complete. I understand that a staff recommendation for approval of an application is generally forthcoming only for submissions deemed administratively complete and for which all staff comments have been addressed. I further understand that if my application is not approved, new application fees will be required for reconsideration.

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: Rodney Foy _____ 9/6/22
Owner / Authorized Agent — Date

Printed Name: RODNEY FOY
Owner / Authorized Agent

Title: _____

Company: _____

City Office Use Only:

Fee paid (*due at time of application*)	**Amount:** _____	**Check #**	**or Cash**
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Publication/Notification (if needed)			
Planning & Zoning Action			
City Council Action			

PART II: PLAT CHECKLIST

SUBDIVISION: _____

PRELIMINARY PLAT CHECKLIST

REQUIREMENT	COMPLETED
1. Application/Checklist submitted with plats	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Fees paid per the Fee Schedule	
4. Preliminary Plat must contain the following: (See §158.06)	
A. Location map	
B. Names of owner and party responsible for preparation of plat	
C. Identification (proposed name of the subdivision)	
D. Names of adjacent subdivisions and/or property owners	
E. Boundary lines, width, and location of existing streets w/in or adjacent to site	
F. Physical features of the property, inc location and size of water and sewer mains	
G. Contours shown at 2 foot intervals and acreage of the property to be indicated; boundaries of acreage of flood plain must be shown	
H. Location and width of proposed streets, lots, easements and other features, etc.	
I. North point, scale and date	
J. Boundary line of tract to be submitted	
K. Names of proposed streets	
L. Layout, number and dimensions of proposed lots or tracts and square feet of each	
M. All parcels intended to be dedicated to public use and the acreage	
N. All parcels intended to be reserved for common use of owners and acreage	
O. Any and all arrangement of lots, building lines, or streets proposed	
5. Profiles and cross sections *may* be required	
6. Designation of all proposed land uses within subdivision including acreage, such as:	
a. classified type of residential use by zoning ordinance	
b. location of retail classification of industrial sites by zoning ordinance	
c. sites for churches, schools or other special uses	
7. Dedication of all park land or cash in lieu of land per Park Land Dedication Ordinance	
8. Preliminary Plat for non-residential property to be accompanied by a Treescape Plan:	
A. Location of all existing/proposed structures as shown on the grading plan	
B. All improvements properly dimensioned and referenced to property lines	
C. Setback and yard requirements	
D. Existing and proposed site elevations and grades	
E. Location of existing/proposed utilities and easements	
F. Name, address, lot/block, subdivision name, address/phone of plan preparer	
9. Certificates (see Code for specific format and wording)	
10. Subdivider's statement (see Code for specific language)	
11. Adequate number of copies for review by Development Review Committee	

PART II: PLAT CHECKLIST

SUBDIVISION: _____

FINAL PLAT CHECKLIST

(Also Use for Short Form Plat, Development Plat, Replat and Amended Plat)

REQUIREMENT	COMPLETED
1. Preliminary Plat previously submitted and approved in accordance with the code OR in the case of a short form division (See §158.08), development plat (See §158.03[E]), replat or amended plat (See §158.09[E]), attach the preliminary checklist showing all preliminary platting requirements completed	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Attach Park Land Dedication recommendation from Park Board and P&Z	
4. Application/Checklist submitted with drawing	
5. Fees paid per the Fee Schedule	
6. If applicable, attach letter from private water supply company stating:	
• the company has reviewed the water plans;	
• sufficient water pressure and volume for domestic use will be provided; and	
• sufficient water pressure and volume for fire protection will be provided.	
7. The Plat shall show:	
A. Name of owner and/or subdivider	
B. Name of the licensed state land surveyor responsible for the plat	
C. Name of the subdivision	
D. Names of adjacent subdivisions and/or property owners	
E. Names of streets	
F. Accurate boundary survey and description of the property	
G. Lines of adjacent lands and adjacent street and alleys w/widths and names	
H. North point, scale and date	
I. Location of proposed lots, streets, public highways, alleys, parks	
J. Accurate dimensions of lots, streets, etc. in feet and decimal fractions of feet	
K. Length of radii and/r arcs of all curves, angles, w/other engineering information	
L. Dimensions shall be shown from all angle points	
L. Contours with a minimum of 2 feet shown as light dashed lines	
M. All elevations shown should refer to sea level datum.	
N. Locations of building lines on front and side streets and utility easements	
O. Instrument of dedication (see code for instruction) signed by owner(s)	
P. Certificate of dedication of all streets, public highways, alleys, parks, etc.	
Q. All deed restrictions to be filed with the plat shall be shown or filed separately	
R. Waiver of claim for damages (see code for instruction)	
S. Certification by licensed surveyor (see code instruction)	
T Certificates of approval (see code for format and wording)	
8. Plat shall be accompanied by plan-profile sheets for each proposed street:	
-- 24 by 36 inches	
-- having a scale of 40 feet to horizontal inch and five or six feet to a vertical inch	
-- see code for specific and additional requirement for plan profiles	
9. Typical cross sections of the type and width of paving for proposed for streets	
10. Appropriate right-of-way is dedicated	
11. Reviewed by Development Review Committee	
12. All development fees (escrow, impact, etc.) have been paid	

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 10/04/2022 **AGENDA ITEM: 5.c**

Item:

Case No. FP-2022-07: Consider and take action on the Final Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots. (Rockwall CAD ID No. 11875)

Applicant:

Rodney and Terri Foy

Owners:

Rodney and Terry Foy

Current Zoning:

(SF-43) Single Family Residential District

Background:

The applicant requests approval of the Final Plat of Foy Lake Estate Addition. The Final Plat contains three (3) single family residential lots that conform to the area requirements of the (SF-43) Single-Family Residential zoning of the property.

STREETS: The subdivision will gain access from a private street that connects to Candlelite Trail south of Darrell Road. The plat includes a 35' Private Street and Fire Lane Access and Utility Easement.

WATER: An 8" water line will be extended from an existing water line located in the 40' Access & Utility Easement adjacent to the southern boundary of the Candlelite Park Addition.

SEWER: Each of the lots will be served by an on-site sewer facility with the aeration field located on the side of the lot opposite the lake.

DRAINAGE: The addition drains to Lake Ray Hubbard.

TREE PRESERVATION: A Treescape Plan will be required with the building permit application and inspected prior to issuing a Certificate of Occupancy.

Financial Impact:

NA

Legal Impact:

NA

Staff Recommendation:

As of Friday, September 29th, the applicant has not addressed all of the DRC's review comments. Staff met with the applicant on Thursday, September 29th and scheduled another meeting with the applicant on Monday, October 3rd to address any remaining unfinished required revisions. Once all of the DRC required revisions are incorporated into the Preliminary Plat, staff's recommendation will be for approval. If all of the required revisions are not complete, staff may still recommend approval with a specific list of conditions to be included in the motion to address unfinished revisions.

As a reminder, the Texas Local Government Code, Chapter 212 requires that the Planning and Zoning Commission act on the plat application within the 30 day shot clock.

Attachments:
FP-2022-07 Vicinity Map.pdf
FP-2022-07 Comp Plan and Zoning.pdf
FP-2022-07 Final Plat 1st Submittal.pdf
FP-2022-07 Application.pdf



Vicinity Map
(Not to scale)

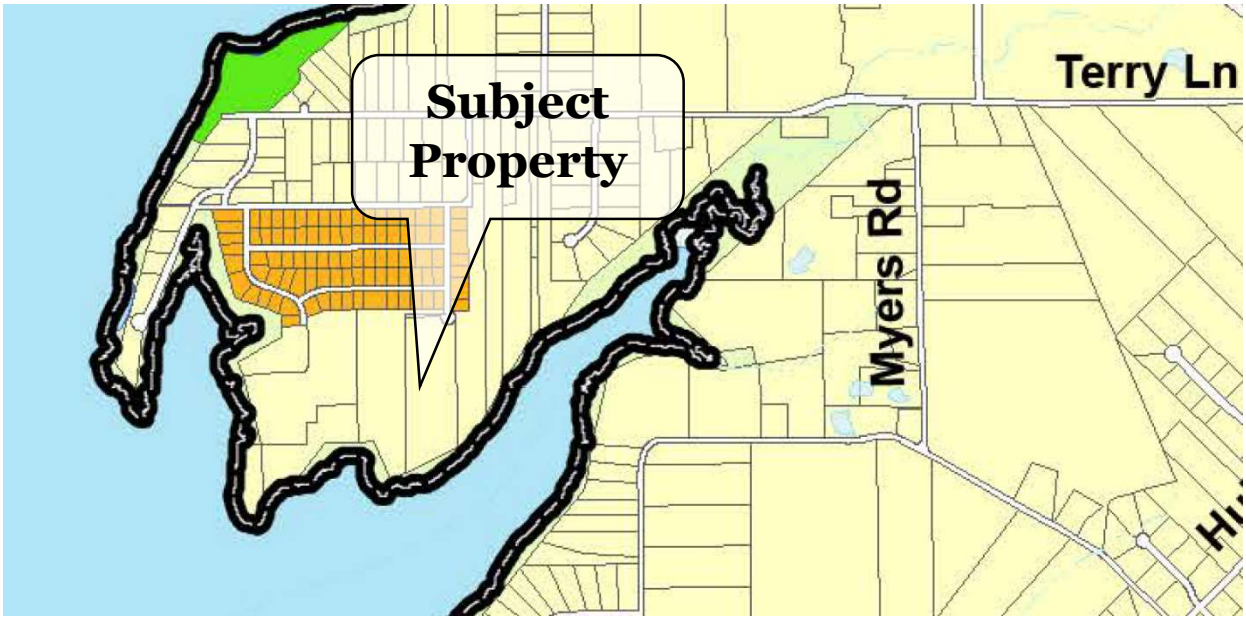
CITY OF HEATH

Case No. FP-2022-07

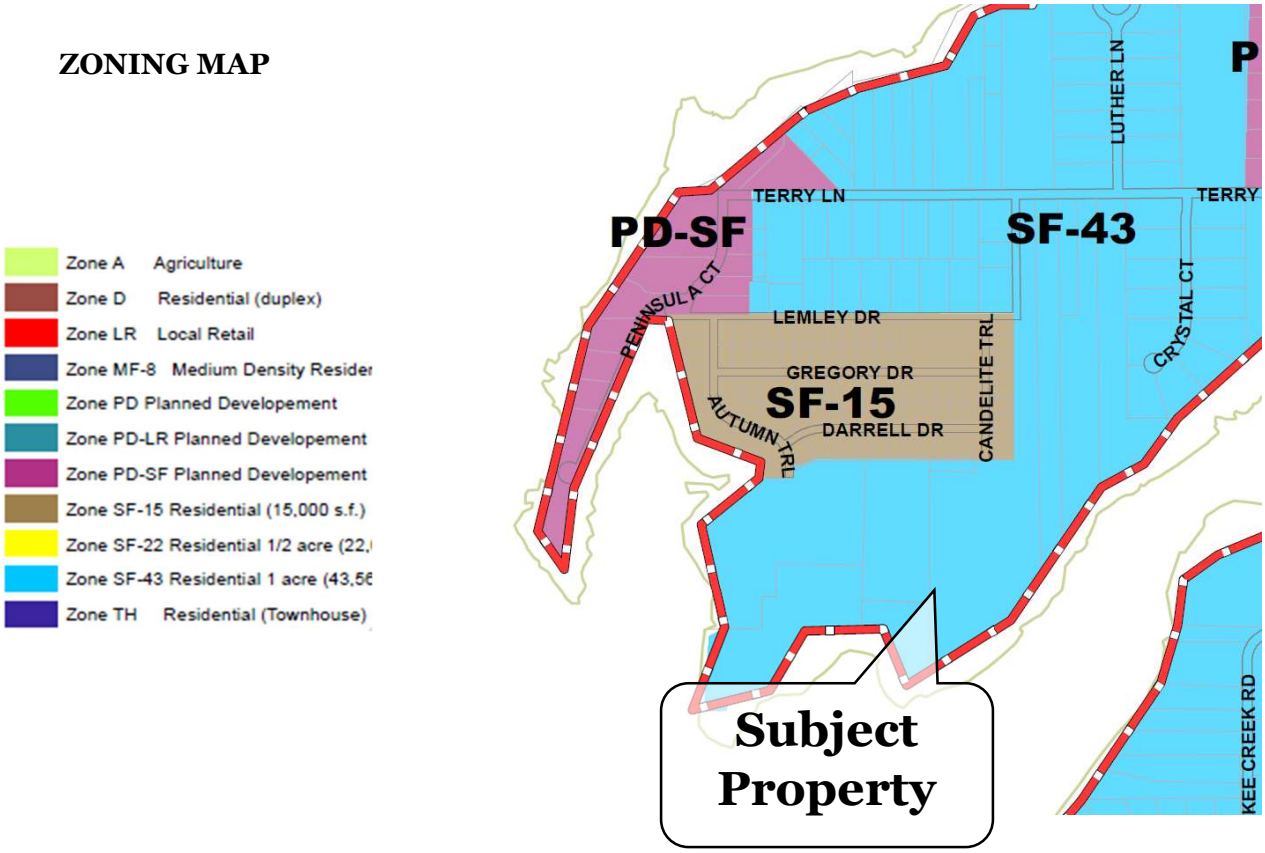
Consider and take action on the Final Plat of Foy Lake Estate Addition consisting of 6.07 acres of land located in the City of Heath, Rockwall County, Texas, situated in the McKenzie Survey Abstract 157 and the C. Cobb Survey Abstract 63, containing three (3) residential lots.

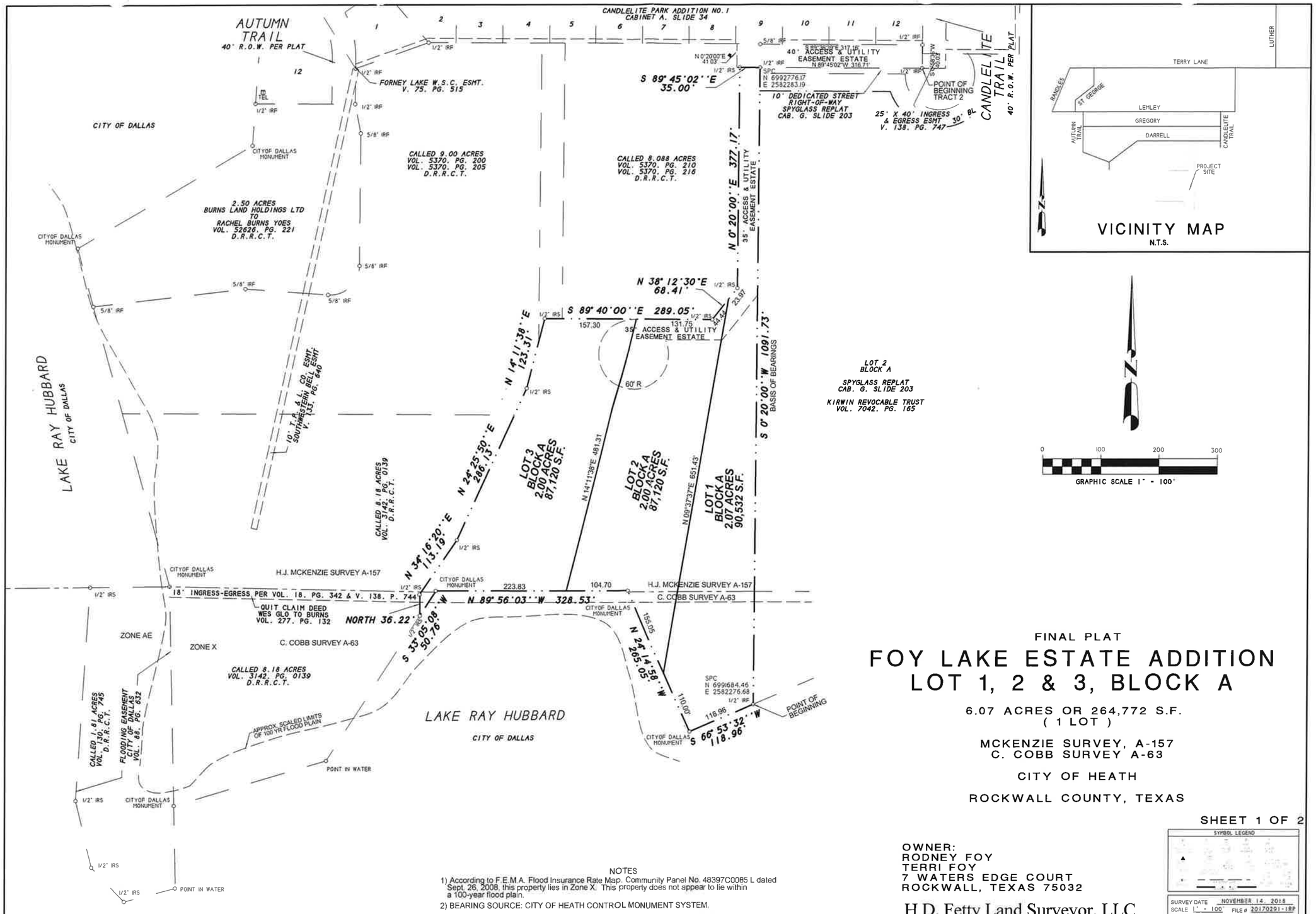
(Rockwall CAD ID No. 11875)

FUTURE LAND USE MAP – Comprehensive Plan 2018



ZONING MAP





NOTES

1) According to F.E.M.A. Flood Insurance Rate Map. Community Panel No. 48397C0065 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.

2) BEARING SOURCE: CITY OF HEATH CONTROL MONUMENT SYSTEM.

3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

FINAL PLAT

FOY LAKE ESTATE ADDITION
LOT 1, 2 & 3, BLOCK A

6.07 ACRES OR 264,772 S.F.
(1 LOT)

MCKENZIE SURVEY, A-157
C. COBB SURVEY A-63

CITY OF HEATH

ROCKWALL COUNTY, TEXAS

SHEET 1 OF 2

OWNER:
RODNEY FOY
TERRI FOY
7 WATERS EDGE COURT
ROCKWALL, TEXAS 75032

SYMBOL LEGEND

SURVEY DATE NOVEMBER 14, 2018
SCALE 1" - 100' FILE # 20170291-1BP
CLIENT FOY

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, Rodney Foy and Terri Foy, are the owners of the following described tract:

All that certain lot, tract or parcel of land situated in the H.J. MCKENZIE SURVEY, ABSTRACT NO. 157 and CARY COBB SURVEY, ABSTRACT NO. 63, City of Heath, Rockwall County, Texas, and being part of a 8.088 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 510 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed from Esther Mcallister Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 516 of the Official Public Records of Rockwall County, Texas, and also being part of a 8.186 acres tract of land as described in a Warranty deed from Elizabeth Ellison Burns to Livingston Newton Burns, as recorded in Volume 3142, Page 139 of the Real Property Records of Rockwall County, Texas, and also being a part of a 9.00 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 200 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed recorded in Volume 5370, Page 205 of the Official Public Records of Rockwall County, Texas, and also being part of the 18 foot road described in a Quit Claim deed from Wes Glo Corporation to Livingston Newton Burns and Elizabeth E. Burns, as recorded in Volume 277, Page 132 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING a 1/2" iron rod found for corner at the southwest corner of said Lot 2, Block A, SPYGLASS ADDITION, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet G, Slide 203 of the Plat Records of Rockwall County, Texas, and also being at the southeast corner of said 8.088 acres tract and being in the City of Dallas take line for Lake Ray Hubbard;

THENCE along the City of Dallas take line for Lake Ray Hubbard as follows:

S. 66 deg. 53 min. 32 sec. W. a distance of 118.96 feet to a City of Dallas Water Dept. Monument found;

N. 24 deg. 14 min. 58 sec. W. a distance of 265.05 feet to a City of Dallas Water Dept. Monument found;

N. 89 deg. 56 min. 03 sec. W. a distance of 328.53 feet to a City of Dallas Water Dept. Monument found;

S. 33 deg. 05 min. 08 sec. W. a distance of 50.76' to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N 00 deg. 00 min. 00 sec. E. leaving said take line and across said 8.18 acres tract, a distance of 36.22 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 34 deg. 16 min. 20 sec. E. a distance of 113.19 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 24 deg. 25 min. 50 sec. E. a distance of 286.13 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 14 deg. 11 min. 38 sec. E. a distance of 123.31 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 89 deg. 40 min. 00 sec. E. a distance of 289.05 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 38 deg. 12 min. 30 sec. E. a distance of 68.41 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 00 deg. 20 min. 00 sec. E. a distance of 377.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 89 deg. 45 min. 02 sec. E. a distance of 35.00 feet a 1/2" iron rod found at the northwest corner of said Lot 2, Block A, Spyglass;

THENCE S. 00 deg. 20 min. 00 sec. W. along the west line of said Addition, a distance of 1091.73 feet to the POINT OF BEGINNING and containing 264,772 square feet or 6.07 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, Rodney and Terri Foy are the owners of said tract, and do hereby adopt this plat designating the hereinabove described property as FOY LAKE ESTATE ADDITION, LOT 1, 2, & 3, BLOCK A an Addition in the city of Heath, Rockwall County, Texas, and do hereby dedicate to the public use forever the street and easements shown. No buildings shall be placed upon, over or across the utility easements as described herein.

Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use or using same. All public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or growths which may in any way, endanger or interfere with construction, maintenance, or efficiency of its respective system on the utility easements. All public utilities shall at all times have the full right to ingress and egress to and from and upon the said utility easements for the purpose of constructing, reconstruction, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of at any time, procuring the permission of anyone. Any public utility shall have the further right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility. The City of Heath will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grades of streets in this addition. No house, dwelling unit, or other structures shall be constructed on any lot, in this addition by the owner or any other person until such time as the developer has complied with all requirements of the Platting Ordinance of the City of Heath regarding such improvements with respect to the entire block on the street or streets on which the property abuts, including sewers, all according to the specifications of the City of Heath.

_____
RODNEY FOY

_____
TERRI FOY

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

_____ My Commission Expires: _____
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF ROCKWALL

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

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

_____ My Commission Expires: _____
Notary Public in and for the State of Texas

EASEMENT ESTATE

BEING an easement for access and utilities across a tract of land situated in the H.J. MCKENZIE SURVEY, ABSTRACT NO. 157, City of Heath, Rockwall County, Texas, and being part of a 8.088 acres tract of land as described in a Warranty deed from John Lanier Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 510 of the Official Public Records of Rockwall County, Texas, and also described in a Warranty deed from Esther Mcallister Burns to Burns Land Holdings, LTD, as recorded in Volume 5370, Page 516 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the northeast corner of the second described tract in said Warranty deed recorded in Volume 5370, Page 210 and Volume 5370, Page 216, said point being in the west right-of-way line of Candlelite Trail, a 40 foot right-of-way, and being at the southeast corner of Lot 12, Block 5, CANDLELITE PARK ADDITION NO 1, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet A, Slide 34 of the Plat Records of Rockwall County, Texas;

THENCE S. 00 deg. 58 min. 36 sec. W. along said right-of-way line, a distance of 40.03 feet to a 1/2" iron rod found for corner;

THENCE N. 89 deg. 45 min. 02 sec. W. passing the northwest corner of Lot 2 of SPYGLASS ADDITION, an Addition to the City of Heath, Texas, according to the Plat thereof recorded in Cabinet G, Slide 203 of the Plat Records of Rockwall County, Texas, at a distance of 276.71 feet an 1/2" iron rod found for corner, and continuing a total distance of 316.71 feet to a point for corner;

THENCE N. 00 deg. 20 min. 00 sec. E. a distance of 41.03 feet to a point for corner in the south line of CANDLELITE PARK ADDITION NO 1, an Addition to the City of Heath, Texas;

THENCE S. 89 deg. 34 min. 10 sec. E. along the south line of said Addition, a distance of 317.16 feet to the POINT OF BEGINNING and containing 0.29 acres in said easement.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

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

STATE OF TEXAS
REGISTERED
HAROLD D FETTY III
5034
PROFESSIONAL
LAND SURVEYOR

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

RECOMMENDED FOR FINAL APPROVAL

_____ _____
Planning and Zoning Commission Date

APPROVED

I hereby certify that the above and foregoing plat of FOY LAKE ESTATE ADDITION, LOT 1, 2, & 3, BLOCK A, an addition to the City of Heath, Texas, an addition to the City of Heath, Texas, was approved by the City Council of the City of Heath on the ___ day of_____, ____.

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

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

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

_____ _____
Mayor, City of Heath City Secretary City of Heath

_____ _____
City Engineer Date

FINAL PLAT

FOY LAKE ESTATE ADDITION
LOT 1, 2 & 3, BLOCK A

6.07 ACRES OR 264,772 S.F.
(1 LOT)

MCKENZIE SURVEY, A-157
C. COBB SURVEY A-63

CITY OF HEATH

ROCKWALL COUNTY, TEXAS

SHEET 2 OF 2

OWNER:
RODNEY FOY
TERRI FOY
7 WATERS EDGE COURT
ROCKWALL, TEXAS 75032

SYMBOL LEGEND

SURVEY DATE NOVEMBER 14, 2018
SCALE 1" = 100' FILE # 20170291-IRP
CLIENT FOY

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

CITY OF HEATH
COMMUNITY DEVELOPMENT
JUL 05 2022
RECEIVED

CITY OF HEATH
PLAT APPLICATION

Procedures required by Local Government Code Section 212.004 and City of Heath Code of Ordinances, Chapter 158, Subdivision Regulations

COVER SHEET

Check one:

☐ Preliminary - Residential	☐ Short Form Plat (five acres or less residential)
☐ Preliminary - Non-Residential or Mixed Use	☐ Development Plat
☑ Final - Residential	☐ Amended Plat
☐ Final - Non-Residential or Mixed-Use	☐ Replat

INITIAL SUBMITTAL

- Complete Plat Application, Part I – Application Information
- Complete Plat Application Part II – Plat Checklist (*complete corresponding checklist*)
- Current Tax Certificate issued by appropriate appraisal district:
  Rockwall Central Appraisal District, 841 Justin Road, Rockwall, TX, 972-771-2034
  Kaufman Central Appraisal District, 3950 S Houston St, Kaufman, TX, (972) 932-6081
- Fees (based on Fee Schedule); make checks payable to: City of Heath

RESUBMITTAL:

- Include original Staff-marked Drawings and supporting information
- Fees, as required

PART I: APPLICATION INFORMATION

Name: Rodney & Terri Foy
Address: 127 Caddelite Trail Heath Tx
Telephone Number: 817-999-5111
Email Address: rfoy@discountarcade.com

SUBDIVISION NAME:

LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)
Foy Lake Estate Addition
~~R223002~~ Lot 1, 2, & 3 Block A

LEGAL OWNER OF PROPERTY INVOLVED: Rodney & Terri Foy

REASON FOR REQUEST: Divide into 3 plats

APPLICANT STATEMENT (*select one*):

_____ I understand that the plat for _____ will not be scheduled for consideration by the Planning & Zoning Commission until such time as all staff comments have been addressed. I hereby waive the requirement that the plat be acted on by the Planning and Zoning Commission and/or the City Council within 30 days under the provisions of the Texas Local Government Code, Section 212.009, and understand and agree that the plat will be considered when it is administratively complete which may be longer than 30 days after the plat is filed; or

_✓_ I hereby request that the plat for _____ be scheduled for consideration at the next Planning & Zoning Commission meeting, regardless of the review process and staff determination that the application is administratively complete. I understand that a staff recommendation for approval of an application is generally forthcoming only for submissions deemed administratively complete and for which all staff comments have been addressed. I further understand that if my application is not approved, new application fees will be required for reconsideration.

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: Rodney Foy
Owner / Authorized Agent

July 5, 2022
Date

Printed Name: RODNEY FOY
Owner / Authorized Agent

Title: _____

Company: _____

City Office Use Only:

Fee paid (*due at time of application*)	**Amount:**	**Check #**	**or Cash**
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Publication/Notification (if needed)			
Planning & Zoning Action			
City Council Action			

PART II: PLAT CHECKLIST

SUBDIVISION: _____

PRELIMINARY PLAT CHECKLIST

REQUIREMENT 11/17	COMPLETED
1. Application/Checklist submitted with plats	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Fees paid per the Fee Schedule	
4. Preliminary Plat must contain the following: (See §158.06)	
A. Location map	
B. Names of owner and party responsible for preparation of plat	
C. Identification (proposed name of the subdivision)	
D. Names of adjacent subdivisions and/or property owners	
E. Boundary lines, width, and location of existing streets w/in or adjacent to site	
F. Physical features of the property, inc location and size of water and sewer mains	
G. Contours shown at 2 foot intervals and acreage of the property to be indicated; boundaries of acreage of flood plain must be shown	
H. Location and width of proposed streets, lots, easements and other features, etc.	
I. North point, scale and date	
J. Boundary line of tract to be submitted	
K. Names of proposed streets	
L. Layout, number and dimensions of proposed lots or tracts and square feet of each	
M. All parcels intended to be dedicated to public use and the acreage	
N. All parcels intended to be reserved for common use of owners and acreage	
O. Any and all arrangement of lots, building lines, or streets proposed	
5. Profiles and cross sections *may* be required	
6. Designation of all proposed land uses within subdivision including acreage, such as:	
a. classified type of residential use by zoning ordinance	
b. location of retail classification of industrial sites by zoning ordinance	
c. sites for churches, schools or other special uses	
7. Dedication of all park land or cash in lieu of land per Park Land Dedication Ordinance	
8. Preliminary Plat for non-residential property to be accompanied by a Treescape Plan:	
A. Location of all existing/proposed structures as shown on the grading plan	
B. All improvements properly dimensioned and referenced to property lines	
C. Setback and yard requirements	
D. Existing and proposed site elevations and grades	
E. Location of existing/proposed utilities and easements	
F. Name, address, lot/block, subdivision name, address/phone of plan preparer	
9. Certificates (see Code for specific format and wording)	
10. Subdivider's statement (see Code for specific language)	
11. Adequate number of copies for review by Development Review Committee	

PART II: PLAT CHECKLIST

SUBDIVISION: _____

FINAL PLAT CHECKLIST

(Also Use for Short Form Plat, Development Plat, Replat and Amended Plat)

REQUIREMENT	COMPLETED
1. Preliminary Plat previously submitted and approved in accordance with the code OR in the case of a short form division (See §158.08), development plat (See §158.03[E]), replat or amended plat (See §158.09[E]), attach the preliminary checklist showing all preliminary platting requirements completed	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Attach Park Land Dedication recommendation from Park Board and P&Z	
4. Application/Checklist submitted with drawing	
5. Fees paid per the Fee Schedule	
6. If applicable, attach letter from private water supply company stating:	
• the company has reviewed the water plans;	
• sufficient water pressure and volume for domestic use will be provided; and	
• sufficient water pressure and volume for fire protection will be provided.	
7. The Plat shall show:	
A. Name of owner and/or subdivider	
B. Name of the licensed state land surveyor responsible for the plat	
C. Name of the subdivision	
D. Names of adjacent subdivisions and/or property owners	
E. Names of streets	
F. Accurate boundary survey and description of the property	
G. Lines of adjacent lands and adjacent street and alleys w/widths and names	
H. North point, scale and date	
I. Location of proposed lots, streets, public highways, alleys, parks	
J. Accurate dimensions of lots, streets, etc. in feet and decimal fractions of feet	
K. Length of radii and/r arcs of all curves, angles, w/other engineering information	
L. Dimensions shall be shown from all angle points	
L. Contours with a minimum of 2 feet shown as light dashed lines	
M. All elevations shown should refer to sea level datum.	
N. Locations of building lines on front and side streets and utility easements	
O. Instrument of dedication (see code for instruction) signed by owner(s)	
P. Certificate of dedication of all streets, public highways, alleys, parks, etc.	
Q. All deed restrictions to be filed with the plat shall be shown or filed separately	
R. Waiver of claim for damages (see code for instruction)	
S. Certification by licensed surveyor (see code instruction)	
T Certificates of approval (see code for format and wording)	
8. Plat shall be accompanied by plan-profile sheets for each proposed street:	
-- 24 by 36 inches	
-- having a scale of 40 feet to horizontal inch and five or six feet to a vertical inch	
-- see code for specific and additional requirement for plan profiles	
9. Typical cross sections of the type and width of paving for proposed for streets	
10. Appropriate right-of-way is dedicated	
11. Reviewed by Development Review Committee	
12. All development fees (escrow, impact, etc.) have been paid	

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 10/04/2022 **AGENDA ITEM: 5.d**

Item:

Case No. FP-2022-10: Consider and take action on the Final Plat of The DSN Real Estate Holdings Second Addition located on the east side of Yankee Creek Road between properties addressed as 195 Yankee Creek Road and 255 Yankee Creek Road, City of Heath, Rockwall County, Texas, zoned (SF-43) Single Family Residential District containing one (1) single-family residential lot on 4.986 acres of land. (Rockwall CAD ID No. 50917)

Applicant:

Brittain & Crawford, LLC

Owners:

DSN Real Estate Holdings, LLC

Current Zoning:

(SF-43) Single-Family Residential District

Background:

As shown on the final plat, these 4.986 acres are adjacent to The DSN Real Estate Holdings Addition, a one-lot subdivision containing 7.1988 acres (Rockwall CAD and contiguous to another tract owned by DSN Real Estate Holdings, LLC containing 1.2476 acres. In total, DSN Real Estate Holdings owns 13.4324 acres of contiguous property.

The attached vicinity map shows an aerial view of the property depicting the current development of the property owned by DSN Real Estate Holdings. In recent months, staff met with representatives of DSN regarding their desire to expand a garage and add elevated fuel storage to the 7+ acre tract. Given the amount of contiguous property in common ownership and the intensity of development on the adjacent lot, staff exercised the discretion provided in § 158.08 of the Subdivision Regulations and opted to not process this plat as a short-form subdivision. Instead, the final plat will be considered by the Planning and Zoning Commission and City Council.

STREET ACCESS: This addition is accessed from Yankee Creek. The plat includes a 28' right-of-way

dedication.

WATER: Water currently serves the addition.

SEWER: The addition will use onsite sewer facilities (OSSF).

DRAINAGE: The lot drains to the City of Dallas Floodway Easement crossing the southeast corner of the lot.

Financial Impact:

In accordance with Appendix I, Parkland dedication and Park Development Fees (Ordinance No. 180327B), the following fees will be required prior to the filing of the final plat at the courthouse.

Fee-In-Lieu of Land Dedication: $2,246.94 per Dwelling Unit
Park Development Fee: $1,293.19 per Dwelling Unit
Total Park Fees: $3,540.13

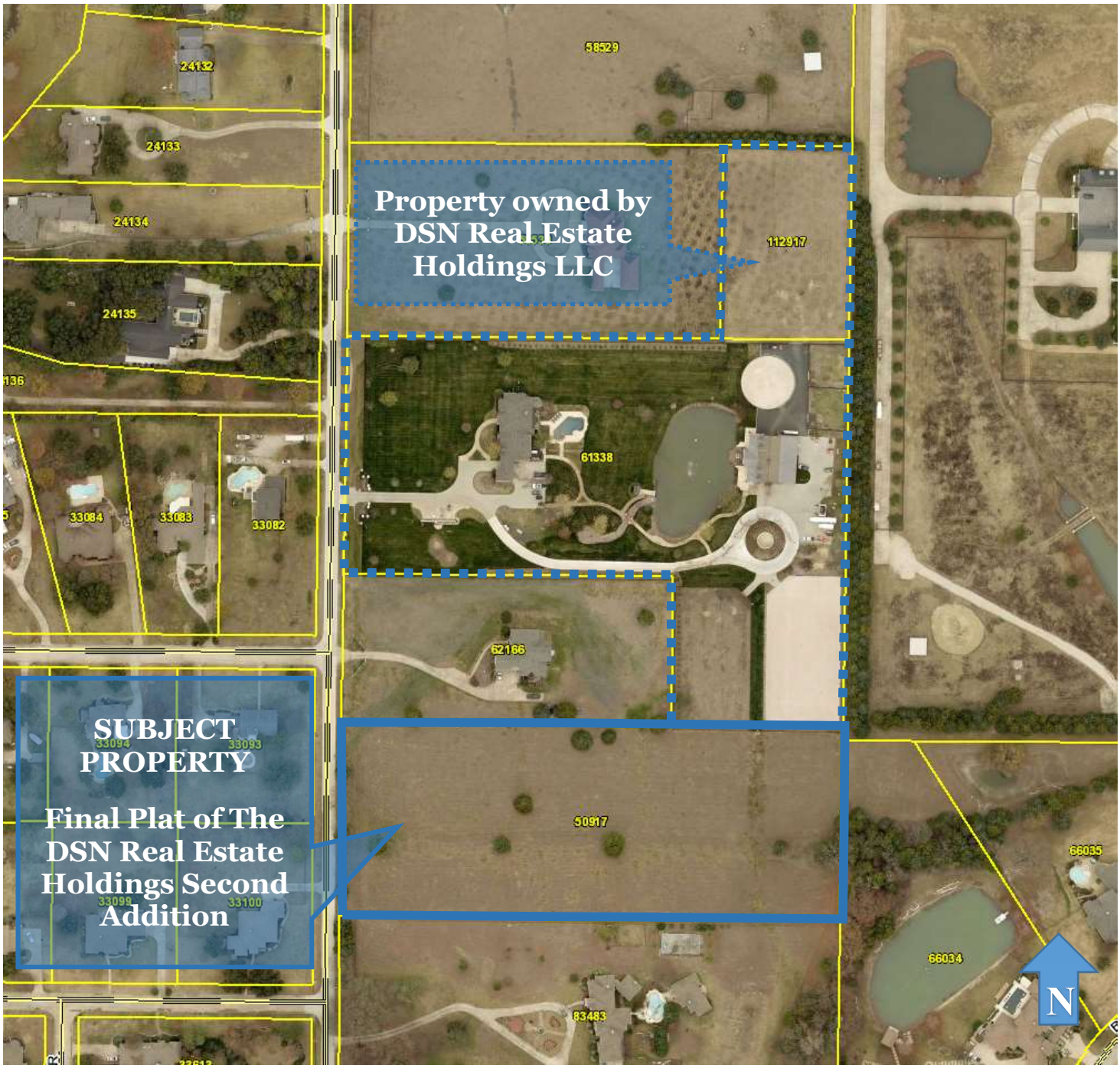
Legal Impact:

NA

Staff Recommendation:

Because the final plat conforms to the (SF-43) Single-Family Residential District and the Subdivision Regulations, staff recommends approval.

Attachments:
FP-2022-10 Vicinity Map.pdf
FP-2022-10 Comp Plan and Zoning.pdf
FP-2022-10 FInal Plat DSN RE Holdings Second Addition Page 1.pdf
FP-2022-10 FInal Plat DSN RE Holdings Second Addition Page 2.pdf
FP-2022-10 Application.pdf



Vicinity Map
(Not to scale)

CITY OF HEATH

Case No. FP-2022-10

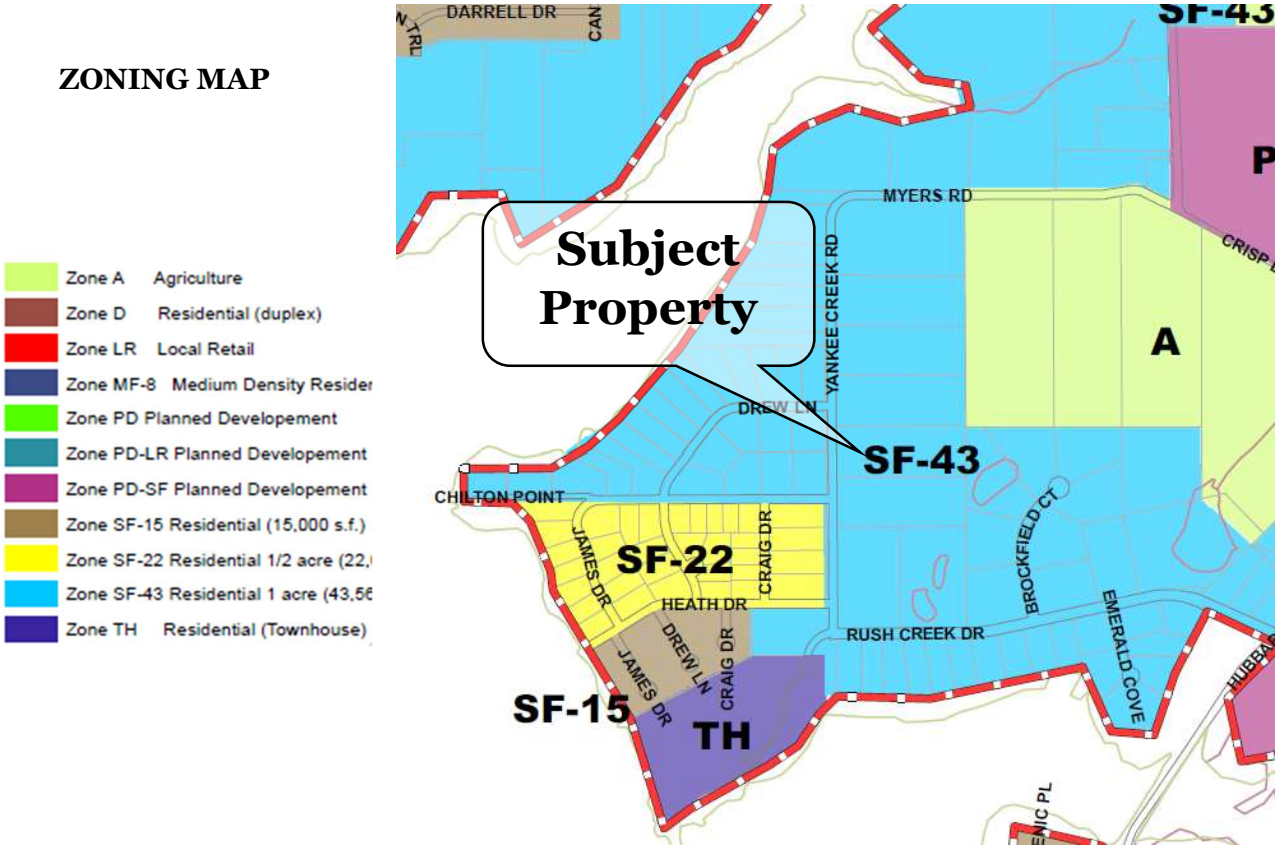
Consider and take action on the Final Plat of The DSN Real Estate Holdings Second Addition located on the east side of Yankee Creek Road between properties addressed as 195 Yankee Creek Road and 255 Yankee Creek Road, City of Heath, Rockwall County, Texas, zoned (SF-43) Single Family Residential District containing one (1) single-family residential lot on 4.986 acres of land.

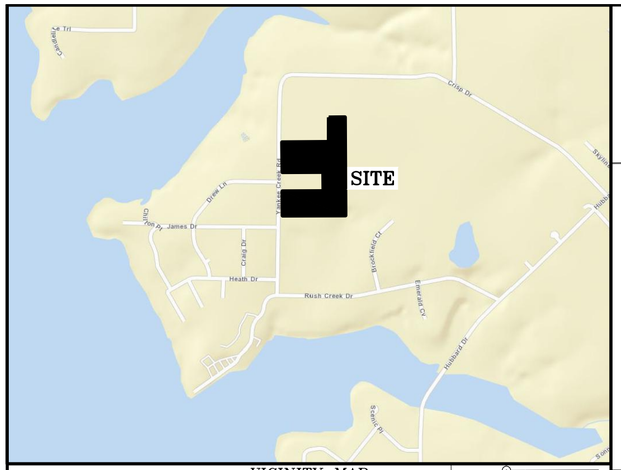
(Rockwall CAD ID No. 50917)

FUTURE LAND USE MAP – Comprehensive Plan 2018



ZONING MAP





VICINITY MAP
NOT TO SCALE

OWNER: DSN REAL ESTATE HOLDINGS LLC
6175 MAIN STREET, SUITE 400
FRISCO, TEXAS 75034

SURVEYOR:
BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
TEL (817) 926-0211
FAX (817) 926-9347
P.O. BOX 11374 * 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

FIRM CERTIFICATION# 1019000

FLOOD NOTE:

NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD HAZARD ZONE, ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR ROCKWALL COUNTY, TEXAS, AND INCORPORATED AREAS, COMMUNITY-PANEL NUMBER 48397C0105L, MAP REVISED SEPTEMBER 26, 2008

BEARING BASE:

THE BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE GRID BEARINGS (NAD83 NORTH CENTRAL ZONE 4202) ESTABLISHED USING THE GLOBAL POSITIONING SYSTEM SATELLITES, AND LOCAL CONTINUOUSLY OPERATING REFERENCE STATIONS.

LARRY & TRICIA KNOWLTON
INST# 2009-00417399
O.P.R.R.C.T.

5/8" CAPPED IRON ROD FOUND

5/8" CAPPED IRON ROD FOUND

CARY COBB SURVEY
ABSTRACT NO. 63

LOT 1
ANTHONY ADDITION
VOL. E, PG. 327
P.R.R.C.T.

ANTHONY RAJU
INST# 2018000013920
O.P.R.R.C.T.

DSN REAL ESTATE HOLDINGS LLC
INST# 20210000021230
O.P.R.R.C.T.

5/8" CAPPED IRON ROD FOUND

DSN REAL ESTATE HOLDINGS LLC
INST# 20200000020535
O.P.R.R.C.T.

LOT 1, BLOCK 1
THE DSN REAL ESTATE HOLDINGS ADDITION
INST# 20210000018326
O.P.R.R.C.T.

YANKEE CREEK ROAD
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

ZONED "SF-43"

1/2" IRON ROD MARKED (BRITTAIN & CRAWFORD) SET

1/2" IRON ROD MARKED (BRITTAIN & CRAWFORD) SET

LOT 1, BLOCK 1
BURCH ADDITION
VOL. F, PG. 116
P.R.R.C.T.

LOT 1, BLOCK 1
A-PEKA ACRES ADDITION
VOL. G, PG. 9 AND 10
P.R.R.C.T.

10' UTILITY EASEMENT
VOL. G, PG. 9 AND 10
P.R.R.C.T.

ZONED "A"

27.91'

1/2" IRON ROD FOUND

N 89°40'33"E 505.27'

477.36'

1/2" IRON ROD FOUND

N 89°51'52"E 256.68'

1/2" IRON ROD FOUND

5/8" IRON ROD FOUND

1/2" IRON ROD FOUND

N 00°15'46"W 285.82'

N 00°22'08"W 285.80'

10' FORNEY LAKE W.S.C. ESMT. VOL. 76, PG. 19 & VOL. 75, PG. 329

ZONED "SF-43"

DSN REAL ESTATE HOLDINGS LLC
INST# 20220000014611
O.P.R.R.C.T.

LOT 1, BLOCK 1
THE DSN REAL ESTATE HOLDINGS SECOND ADDITION
4.801 ACRES
(209,114 SQ. FT.)

S 00°10'38"W 284.48'

RIGHT-OF-WAY DEDICATION
(BY THIS PLAT)
0.185 ACRE
(8,053 SQ. FT.)

1/2" IRON ROD FOUND

731.32'

S 89°38'16"W 759.76'

28.44'

1/2" IRON ROD FOUND
N=6990332.45
E=2584689.95

POINT OF BEGINNING
N=6990327.64
E=2583930.20

CITY OF DALLAS
FLOODWAY EASEMENT
VOL. 74, PG. 87

LOT 1, BLOCK 1
THE MONEY ADDITION
VOL. H, PG 160
P.R.R.C.T.

LOT 3R1
STILLWATER ESTATES
VOL. H, PG. 176
P.R.R.C.T.

NORTH

100 0 100 200 300
GRAPHIC SCALE - 1 INCH = 100 FEET

FINAL PLAT
OF

LOT 1, BLOCK 1 THE DSN REAL ESTATE HOLDINGS SECOND ADDITION

4.986 ACRES OF LAND LOCATED IN THE CARY COBB SURVEY, ABSTRACT NUMBER 63, CITY OF HEATH, ROCKWALL COUNTY, TEXAS

PREPARED: SEPTEMBER 2022
4.986 ACRES GROSS, 1 LOTS

FP-2022-10
PAGE 1 OF 2

SIN FIN #XXX

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, DSN REAL ESTATE HOLDING, LLC, BEING THE OWNER OF A 4.986 ACRES TRACT OF LAND SITUATED IN THE CARY COBB SURVEY, ABSTRACT NO. 63, CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN INSTRUMENT NO. 20220000014611, OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING 4.986 ACRES OF LAND SITUATED IN THE CARY COBB SURVEY, ABSTRACT NO. 63, HEATH, ROCKWALL COUNTY, TEXAS, AND BEING ALL OF THE TRACT OF LAND CONVEYED TO DSN REAL ESTATE HOLDINGS, LLC, BE THE DEED RECORDED IN INSTRUMENT NO. 20220000014611, OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS. SAID 4.986 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT LYING AT THE SOUTHWEST CORNER OF SAID DSN REAL ESTATE HOLDINGS LLC TRACT, SAID POINT LYING S 89° 38' 16" W 28.44 FEET, FROM A ½" CAPPED IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, THE MONEY ADDITION, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 160, OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS, AND SAID POINT OF BEGINNING LYING IN THE CENTER OF YANKEE CREEK ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE N 00° 15' 46" W 285.82 FEET, ALONG THE WEST BOUNDARY LINE OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID YANKEE CREEK ROAD, TO A POINT FROM WHICH A ½" IRON ROD FOUND BEARS N 89° 40' 33" E 27.91 FEET, LYING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, BIRCH ADDITION, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME F, PAGE 116, OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE N 89° 40' 33" E 505.27 FEET, ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 1, BLOCK 1, BIRCH ADDITION, AND THE NORTH BOUNDARY LINE OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT, TO A ½" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, BIRCH ADDITION, AND THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDINGS ADDITION, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 20210000018326, OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE N 89° 51' 52" E 256.68 FEET, ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDING ADDITION AND THE NORTH BOUNDARY LINE OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT, TO A ½" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT AND THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDINGS ADDITION, AND SAID POINT LYING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, A-PEKA ACRES ADDITION, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME G, PAGE 9 AND 10, OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE S 00° 10' 38" W 284.48 FEET, ALONG THE EAST BOUNDARY LINE OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT AND THE WEST BOUNDARY LINE OF SAID LOT 1, BLOCK 1, A-PEKA ACRES ADDITION AND THE WEST BOUNDARY LINE OF LOT 3R1, STILLWATER ESTATES, AN ADDITION, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 176, OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS, TO A ½" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT AND THE NORTHEAST CORNER OF THE AFORESAID LOT 1, BLOCK 1, THE MONEY ADDITION;

THENCE S 89° 38' 16" W 759.76 FEET, ALONG THE SOUTH BOUNDARY LINE OF SAID DSN REAL ESTATE HOLDINGS, LLC TRACT AND THE NORTH BOUNDARY LINE OF SAID LOT 1, BLOCK 1, THE MONEY ADDITION, TO THE POINT OF BEGINNING CONTAINING 4.986 ACRES (217,167 SQUARE FEET) OF LAND.

SURVEYOR'S CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, CHRIS L. BLEVINS, R.P.L.S. NO. 5792 DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL ON THE GROUND AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION.

_____
CHRIS L. BLEVINS,
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5792



STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED **CHRIS L. BLEVINS, R.P.L.S. NO. 5792, STATE OF TEXAS**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS THE _____ DAY OF _____, 2022

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

OWNER: DSN REAL ESTATE HOLDINGS LLC
6175 MAIN STREET, SUITE 400
FRISCO, TEXAS 75034

SURVEYOR:
BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
TEL (817) 926-0211
FAX (817) 926-9347
P.O. BOX 11374 * 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

FIRM CERTIFICATION# 1019000

OWNER'S CERTIFICATE AND DEDICATION (CONTINUED)

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT DSN REAL ESTATE HOLDINGS, LLC DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDINGS SECOND ADDITION, AN ADDITION TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, AND HEREBY DEDICATES TO THE PUBLIC USE FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES STATED AND FOR THE MUTUAL ACCOMMODATION AND USE OF ALL UTILITIES DESIRING OR USING SAME. THE CITY OF HEATH AND PUBLIC UTILITIES SHALL, AT ALL TIMES, HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF PROCURING PERMISSION FROM ANYONE. THE CITY OF HEATH OR ROCKWALL COUNTY WILL NOT BE RESPONSIBLE FOR ANY CLAIMS OF ANY NATURE RESULTING FROM OR OCCASIONED BY THE ESTABLISHMENT OF GRADES ON STREETS IN THIS SUBDIVISION.

WE FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDINGS SECOND ADDITION HAVE BEEN NOTIFIED AND SIGNED THIS PLAT. WE ALSO UNDERSTAND THE FOLLOWING;

1. NO BUILDINGS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE UTILITY EASEMENTS AS DESCRIBED HEREIN.
2. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEM ON ANY OF THESE EASEMENT STRIPS; AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS OR EGRESS TO, FROM AND UPON THE SAID EASEMENT STRIPS FOR PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTING, PATROLLING, MAINTAINING, AND EITHER ADDING TO OR REMOVING ALL OR PART OF THEIR RESPECTIVE SYSTEM WITHOUT THE NECESSITY OF, AT ANY TIME, PROCURING THE PERMISSION OF ANYONE.
3. THE CITY OF HEATH WILL NOT BE RESPONSIBLE FOR ANY CLAIMS OF ANY NATURE RESULTING FROM OR OCCASIONED BY THE ESTABLISHMENT OF GRADE OF STREETS IN THE SUBDIVISION.
4. NO HOUSE, DWELLING UNIT, OR OTHER STRUCTURE SHALL BE CONSTRUCTED ON ANY LOT IN THIS ADDITION BY THE OWNER OR ANY OTHER PERSON UNTIL THE DEVELOPER AND/OWNER HAS COMPLIED WITH ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF HEATH REGARDING IMPROVEMENTS WITH RESPECT TO THE ENTIRE BLOCK ON THE STREET OR STREETS ON WHICH PROPERTY ABUTS, INCLUDING THE ACTUAL INSTALLATION OF STREETS, WATER, SEWER, DRAINAGE STRUCTURES, STORM SEWERS AND ALLEYS, ALL ACCORDING TO THE SPECIFICATIONS OF THE CITY OF HEATH; OR UNTIL AN ESCROW DEPOSIT, SUFFICIENT TO PAY FOR THE COST OF SUCH IMPROVEMENTS, AS DETERMINED BY THE CITY'S ENGINEER AND/OR CITY ADMINISTRATOR, COMPUTED ON A PRIVATE COMMERCIAL RATE BASIS, HAS BEEN MADE WITH THE CITY SECRETARY, ACCOMPANIED BY AN AGREEMENT SIGNED BY THE DEVELOPER AND/OR OWNER, AUTHORIZING THE CITY TO MAKE SUCH IMPROVEMENTS AT PREVAILING PRIVATE COMMERCIAL RATES, OR HAVE THE SAME MADE BY A CONTRACTOR AND PAY FOR THE SAME OUT OF THE ESCROW DEPOSIT, SHOULD THE DEVELOPER AND/OR OWNER FAIL OR REFUSE TO INSTALL THE REQUIRED IMPROVEMENTS WITHIN THE TIME STATED IN SUCH WRITTEN AGREEMENT, BUT IN NO CASE SHALL THE CITY BE OBLIGATED TO MAKE SUCH IMPROVEMENTS ITSELF. SUCH DEPOSIT MAY BE USED BY THE OWNER AND/OR DEVELOPER AS PROGRESS PAYMENTS AS THE WORK PROGRESSES IN MAKING SUCH IMPROVEMENTS BY MAKING CERTIFIED REQUISITIONS TO THE CITY SECRETARY, SUPPORTED BY EVIDENCE OF WORK DONE; OR UNTIL THE DEVELOPER AND/OR OWNER FILES A CORPORATE SURETY BOND WITH THE CITY SECRETARY IN A SUM EQUAL TO THE COST OF SUCH IMPROVEMENTS FOR THE DESIGNATED AREA, GUARANTEEING THE INSTALLATION THEREOF WITHIN THE TIME STATED IN THE BOND, WHICH TIME SHALL BE FIXED BY THE CITY COUNCIL OF THE CITY OF HEATH.

WITNESS MY HAND THIS _____ DAY OF _____, 2022.

DSN REAL ESTATE HOLDINGS, LLC
A TEXAS LIMITED LIABILITY COMPANY

_____
BY: DANIEL S. NUTKIS, MANAGER

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED **DANIEL S. NUTKIS, MANAGER** , KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS THE _____ DAY OF _____, 2022

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR FINAL APPROVAL:

_____ _____
CHAIRPERSON DATE
PLANNING AND ZONING COMMISSION

APPROVED:

_____ _____
MAYOR DATE
CITY OF HEATH, TEXAS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **LOT 1, BLOCK 1, THE DSN REAL ESTATE HOLDINGS SECOND ADDITION**, TO THE CITY OF HEATH, ROCKWALL COUNTY, TEXAS, WAS APPROVED BY THE MAYOR OF THE CITY OF HEATH ON THE _____ DAY OF _____, 2022.

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED FINAL PLAT FOR THE ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF ROCKWALL, TEXAS, WITHIN 365 DAYS FROM THE DATE OF FINAL APPROVAL. AN EXTENSION MAY BE GRANTED BY THE PLANNING AND ZONING COMMISSION.

THE FINAL PLAT SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF HEATH.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2022.

_____
CITY SECRETARY
CITY OF HEATH, TEXAS

FINAL PLAT
OF
LOT 1, BLOCK 1
THE DSN REAL ESTATE HOLDINGS SECOND ADDITION

4.986 ACRES OF LAND LOCATED IN THE CARY COBB SURVEY, ABSTRACT NUMBER 63, CITY OF HEATH, ROCKWALL COUNTY, TEXAS

PREPARED: SEPTEMBER 2022
4.986 ACRES GROSS, 1 LOTS

FP-2022-10

SIN FIN #XXX

CITY OF HEATH
SEP 06 2022
COMMUNITY DEVELOPMENT

CITY OF HEATH
PLAT APPLICATION

Procedures required by Local Government Code Section 212.004 and City of Heath Code of Ordinances, Chapter 158, Subdivision Regulations

COVER SHEET

Check one:

[X]	Preliminary - Residential	[ ]	Short Form Plat (five acres or less residential)
[ ]	Preliminary - Non-Residential or Mixed Use	[ ]	Development Plat
[ ]	Final - Residential	[ ]	Amended Plat
[ ]	Final - Non-Residential or Mixed-Use	[ ]	Replat

X **INITIAL SUBMITTAL**

- X Complete Plat Application, Part I – Application Information
- X Complete Plat Application Part II – Plat Checklist (*complete corresponding checklist*)
- X Current Tax Certificate issued by appropriate appraisal district:
  Rockwall Central Appraisal District, 841 Justin Road, Rockwall, TX, 972-771-2034
  Kaufman Central Appraisal District, 3950 S Houston St, Kaufman, TX, (972) 932-6081
- X Fees (based on Fee Schedule); make checks payable to: City of Heath

RESUBMITTAL:

- — Include original Staff-marked Drawings and supporting information
- — Fees, as required

PART I: APPLICATION INFORMATION

Name: Brittain & Crawford, LLC by: Chris L. Blevins

Address: 3908 South Freeway, Fort Worth, Texas 76110

Telephone Number: 817-926-0211

Email Address: clb@brittain-crawford.com

Ashley Dewease
214.258.4143
adewease@bbtlaw.com

SUBDIVISION NAME: The DSN Real Estate Holdings Second Addition

LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)
Lot 1, Block 1

LEGAL OWNER OF PROPERTY INVOLVED: DSN REAL ESTATE HOLDINGS LLC

REASON FOR REQUEST: Platting property to obtain a building permit

APPLICANT STATEMENT (*select one*):

x I understand that the plat for Lot 1, Block 1, The DSN REAL ESTATE HOLDINGS SECOND ADDITION will not be scheduled for consideration by the Planning & Zoning Commission until such time as all staff comments have been addressed. I hereby waive the requirement that the plat be acted on by the Planning and Zoning Commission and/or the City Council within 30 days under the provisions of the Texas Local Government Code, Section 212.009, and understand and agree that the plat will be considered when it is administratively complete which may be longer than 30 days after the plat is filed; or

_____ I hereby request that the plat for _____ be scheduled for consideration at the next Planning & Zoning Commission meeting, regardless of the review process and staff determination that the application is administratively complete. I understand that a staff recommendation for approval of an application is generally forthcoming only for submissions deemed administratively complete and for which all staff comments have been addressed. I further understand that if my application is not approved, new application fees will be required for reconsideration.

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: _____ 9/6/22
~~Owner~~ / Authorized Agent Date

Printed Name: Ashley Deweese, Esq.
~~Owner~~ / Authorized Agent

Title: _____

Company: DSN REAL ESTATE HOLDINGS LLC

City Office Use Only:

Fee paid (*due at time of application*)	**Amount:** $4350.00	**Check #** 1054	**or Cash**
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Publication/Notification (if needed)			
Planning & Zoning Action			
City Council Action			

PART II: PLAT CHECKLIST

SUBDIVISION: _____

PRELIMINARY PLAT CHECKLIST

REQUIREMENT	COMPLETED
1. Application/Checklist submitted with plats	X
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	X
3. Fees paid per the Fee Schedule	X
4. Preliminary Plat must contain the following: (Sec §158.06)	
A. Location map	X
B. Names of owner and party responsible for preparation of plat	X
C. Identification (proposed name of the subdivision)	X
D. Names of adjacent subdivisions and/or property owners	X
E. Boundary lines, width, and location of existing streets w/in or adjacent to site	X
F. Physical features of the property, inc location and size of water and sewer mains	X
G. Contours shown at 2 foot intervals and acreage of the property to be indicated; boundaries of acreage of flood plain must be shown	X
H. Location and width of proposed streets, lots, easements and other features, etc.	X
I. North point, scale and date	X
J. Boundary line of tract to be submitted	X
K. Names of proposed streets	X
L. Layout, number and dimensions of proposed lots or tracts and square feet of each	X
M. All parcels intended to be dedicated to public use and the acreage	X
N. All parcels intended to be reserved for common use of owners and acreage	X
O. Any and all arrangement of lots, building lines, or streets proposed	X
5. Profiles and cross sections *may* be required	X
6. Designation of all proposed land uses within subdivision including acreage, such as:	X
a. classified type of residential use by zoning ordinance	X
b. location of retail classification of industrial sites by zoning ordinance	X
c. sites for churches, schools or other special uses	X
7. Dedication of all park land or cash in lieu of land per Park Land Dedication Ordinance	X
8. Preliminary Plat for non-residential property to be accompanied by a Treescape Plan:	X
A. Location of all existing/proposed structures as shown on the grading plan	X
B. All improvements properly dimensioned and referenced to property lines	X
C. Setback and yard requirements	X
D. Existing and proposed site elevations and grades	X
E. Location of existing/proposed utilities and easements	X
F. Name, address, lot/block, subdivision name, address/phone of plan preparer	X
9. Certificates (see Code for specific format and wording)	X
10. Subdivider's statement (see Code for specific language)	X
11. Adequate number of copies for review by Development Review Committee	X

PART II: PLAT CHECKLIST

SUBDIVISION: _____

FINAL PLAT CHECKLIST
(Also Use for Short Form Plat, Development Plat, Replat and Amended Plat)

REQUIREMENT	COMPLETED
1. Preliminary Plat previously submitted and approved in accordance with the code OR in the case of a short form division (See §158.08), development plat (See §158.03[E]), replat or amended plat (See §158.09[E]), attach the preliminary checklist showing all preliminary platting requirements completed	
2. Drawings submitted on 24x36 inch paper on a scale of 1 inch equals 100 feet	
3. Attach Park Land Dedication recommendation from Park Board and P&Z	
4. Application/Checklist submitted with drawing	
5. Fees paid per the Fee Schedule	
6. If applicable, attach letter from private water supply company stating:	
• the company has reviewed the water plans;	
• sufficient water pressure and volume for domestic use will be provided; and	
• sufficient water pressure and volume for fire protection will be provided.	
7. The Plat shall show:	
A. Name of owner and/or subdivider	
B. Name of the licensed state land surveyor responsible for the plat	
C. Name of the subdivision	
D. Names of adjacent subdivisions and/or property owners	
E. Names of streets	
F. Accurate boundary survey and description of the property	
G. Lines of adjacent lands and adjacent street and alleys w/widths and names	
H. North point, scale and date	
I. Location of proposed lots, streets, public highways, alleys, parks	
J. Accurate dimensions of lots, streets, etc. in feet and decimal fractions of feet	
K. Length of radii and/r arcs of all curves, angles, w/other engineering information	
L. Dimensions shall be shown from all angle points	
L. Contours with a minimum of 2 feet shown as light dashed lines	
M. All elevations shown should refer to sea level datum.	
N. Locations of building lines on front and side streets and utility easements	
O. Instrument of dedication (see code for instruction) signed by owner(s)	
P. Certificate of dedication of all streets, public highways, alleys, parks, etc.	
Q. All deed restrictions to be filed with the plat shall be shown or filed separately	
R. Waiver of claim for damages (see code for instruction)	
S. Certification by licensed surveyor (see code instruction)	
T Certificates of approval (see code for format and wording)	
8. Plat shall be accompanied by plan-profile sheets for each proposed street:	
-- 24 by 36 inches	
-- having a scale of 40 feet to horizontal inch and five or six feet to a vertical inch	
-- see code for specific and additional requirement for plan profiles	
9. Typical cross sections of the type and width of paving for proposed for streets	
10. Appropriate right-of-way is dedicated	
11. Reviewed by Development Review Committee	
12. All development fees (escrow, impact, etc.) have been paid	

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 10/04/2022 **AGENDA ITEM: 5.e**

Item:

Case ZTA-2022-02: Conduct a Public Hearing and consider approval of an Ordinance of the City Council of the City of Heath, Texas, amending § 159.21 (SF-43) "SINGLE-FAMILY RESIDENTIAL DISTRICT," of the Code of Ordinances addressing accessory building and dwelling units, minimum square footage of main dwelling unit, front yard building setback, and garage orientation. *(K. Lasher)*

Applicant:

City of Heath

Background:

Since the 2018 Comprehensive Plan was adopted, the City Council has reviewed three zoning applications for a change from Agricultural (A) District to Single Family 43 (SF 43) District. The first such application review occurred in October 2019 for a 129-acre tract located off McDonald Road that was approved as a Planned Development (PD) for SF 43 uses with additional conditions (Ordinance 191008A). The second application was reviewed in January 2022 for a 19.88-acre tract located off Hubbard Drive which was also approved as a PD for SF 43 uses with conditions (Ordinance 220125B). The third was recently approved on September 27 for a 3.03-acre tract at the southeast corner of Heath crossing and N. FM 740, known as the "Red Barn" property (Ordinance 220927D). The following conditions were added to these Ordinances as they weren't contained in the SF 43 base requirements at the time of review:

- Increase the minimum building area for the main residence from the base requirement of 1,500 SF to 3,200 SF,
- Increase the minimum front yard building setback from the base requirement of 30 feet to 50 feet, and
- Add requirements affecting garage orientation by permitting rear or side entry only. For PD Ordinance 220125B, a front street-facing garage would be permitted if the wall containing the street-facing doors were setback 75 feet from the front property line. All front garages had to be offset from the rear of the building envelope of the primary structure.

When these PD Ordinances were adopted, the Council requested staff to modify the SF 43 District regulations to reflect the above enhancements. The amendments would also include the chart that calibrates accessory dwelling unit sizes to the size of the lot that is incorporated into both the SF-3.0 and Agricultural district regulations.

Public Notification:

Notice of this hearing was published in the Dallas Morning News on September 24, 2022.

Financial Impact:

.

Legal Impact:

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Staff Recommendation:

That the Planning and Zoning Commission consider recommending approval of the proposed amendments to the SF 43 District as shown in **Attachment 1** - "Exhibit "A" to Ordinance." Added text is shown in shaded font, and deletions are shown in shaded ~~strikethrough font.~~

Attachments:
Attachment 1 - ZTA-2022-02 SF 43 Text Mark up's.pdf

§ 159.21 (SF-43) SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose.

(1) This district is considered to be the proper zoning classification for one-acre lot developments for single-family dwelling use. This district is intended to be composed of single-family dwellings.

(2) Areas that are zoned for this use shall have or provide for water, wastewater, drainage, and access to paved streets based on single-family usage required by the allowed density.

(3) It is intended for areas that are properly buffered from nonresidential uses, and protected from pollution and/or environmental hazards or from high volume of non-single family traffic.

(4) Developers wishing to restrict their subdivision to lot sizes in excess of what this chapter requires shall use restrictive covenants.

(B) Permitted uses.

(1) Agricultural uses on unplatted land, in accordance with all other adopted ordinances;

(2) One detached single-family dwelling per lot;

~~(3) A single one-story detached building used as a tool or storage shed, playhouse, or similar use, provided the floor area does not exceed 120 square feet and the height does not exceed ten feet (no building permit required);~~

~~(4) A single detached accessory building, built of like materials and design as the main building, that does not exceed 2% of the total square footage of the lot or parcel of land (for example, 43,560 square feet x .02 = 871.2 square feet) and 15 feet in height or 50% of the area of the main building. The maximum size may not exceed 900 square feet in area or 15 feet in height;~~

(~~5~~ ***3***) Temporary real estate sales offices located on property being sold, limited to the period of sale of the lots with a two-year initial period and one-year extensions being authorized by the Planning and Zoning Commission, the sales offices to be maintained at all times;

(~~6~~ ***4***) Temporary on-site construction offices, limited to the period of construction, with a two-year initial period and one-year extensions being authorized by the Planning and Zoning Commission, such offices to be maintained at all times;

(~~7~~ ***5***) Home occupations;

(~~8~~ ***6***) Paved automobile parking areas which are necessary to the uses permitted in this district;

(~~9~~ ***7***) All municipality owned or controlled facilities, utilities, and uses;

(~~10~~ ***8***) Private residential swimming pools as an accessory to a residential use;

(~~11~~ ***9***) Private unlighted residential tennis courts on the same lot as an accessory to a residential use;

(~~12~~ **10**) Temporary concrete batching plants limited to the period of construction, upon approval of location and operation by the Building Official;

(~~13~~ ***11***) Public, denominational and private schools, churches, and public parks essential to create basic neighborhood units;

~~(14) Guest house. The maximum size may not exceed 900 square feet in area on parcels of land under two acres in size, or 1,742 square feet on parcels of land two acres or greater in size. It must comply with all area requirements of the district and may not be made available or used for lease, rent, or hire, and the owner of such use may not receive remuneration for the use of one of the above. In addition, the uses shall not be sold or conveyed separately without the meeting the requirements of the Subdivision Ordinance;~~

~~(15) Servant's quarters. The quarters may be a portion of the main building or, if the parcel of land exceeds two acres in size, the quarters may be a separate building not exceeding 1,742 square feet in total floor area. The quarters must comply with all area requirements of the district and may not be made available or used for lease, rent, or hire, and the owner of the use may not receive remuneration for the use of one of the above. In addition, such uses shall not be sold or conveyed separately without meeting the requirements of the Subdivision Ordinance;~~ and

(~~16~~ ***12***) Wind energy systems on lots greater than ten acres in size subject to all terms and conditions of § 159.50.

(13) Accessory Buildings and Dwelling Units: The maximum combined floor area, maximum size for a single building, maximum wall height, and number of accessory buildings per lot/tract permitted shall be based on the lot/tract size. Such regulations shall conform to the following criteria in Table (B) (13) below:

Table (B) (13)

(a) Lot/ Tract Size (acres)	(b) Maximum Number of Accessory Buildings/ Allowed per Lot [3]	(c) Maximum, Combined Floor Area Allowed [1] (All Accessory Buildings/Dwelling Units – sq. ft.)	(d) Maximum Size for a Single Accessory Structure (sq. ft.) [2]	(e) Maximum Building Height (feet) [4]	(f) Setback from Rear Façade of Primary Residence (feet) [5]	(g) Minimum Separation from other Buildings (feet)
1 to < 2	1	1000	900	25	25	20
2 to < 3	2	1500	1200	25	25	20
3 to < 4	3	3500	2500 [3]	25	30	20
4 to < 5	3	4000	3000 [3]	25	35	20
5 to < 7.5	4	4500	3500 [3]	30	45	20
7.5 to < 10	4	5500	4500 [3]	30	55	20
10+	4	6500	5500 [3]	30	60	20

1. *All existing utility services extended to the accessory building(s) shall be metered to the same utility account holder/customer for the primary residence.*

2. *A Conditional Use Permit shall be required for a Detached Residential Garage as defined in Section 159.42.*

3. *Only one (1) detached accessory dwelling unit shall be permitted per lot or tract with a maximum building area specified in column (d) above for each lot/tract size category. The maximum size for an accessory dwelling for the 3 to <4 acres and larger lot/tract size categories shall not exceed 2,000 square feet. An accessory dwelling unit shall not be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance. All other accessory structures not used as an accessory dwelling unit shall have no sleeping areas, bathroom or kitchen plumbing (except for one hand sink), or kitchen facilities.*

4. Building height shall be the distance measured from the average elevation of the finished grade along the front of the building to the average height of the highest roof structure.

5. Measured from the rear building elevation that encloses the climate control residence, which is situated the furthest perpendicular distance away from the street right-of-way that adjoins the front yard of the lot or parcel.

(C) Conditional uses (require use permits, see § 159.43).

(1) Associated recreation and/or community clubs;

(2) Accessory buildings that do not conform to the requirements specified in division (B)(4) above;

(3) Facilities for railroads or those utilities holding a franchise in the city;

(4) Paved parking facilities for nonresidential uses that are not allowed in this district, if properly screened, buffered, and landscaped;

(5) A private residential tennis court used as an accessory to a residential use if not located on the same lot or utilizing lights;

(6) A driveway or crosswalk, as distinct from a dedicated street, to provide access to premises in a commercial or industrial district;

(7) Agricultural use; and

(8) Wind energy systems that do not conform to requirements listed in division (B)(16) above (see also § 159.50).

(D) Prohibited uses.

(1) Any building erected or land used for other than one or more of the preceding specified uses;

(2) The storage of equipment, materials, or vehicles, including abandoned vehicles, which are not necessary to the uses permitted in this district;

(3) Any use of property that does not meet the required minimum lot size; front, side, and rear yard dimension and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required; and

(4) Daycare centers.

(E) Area requirements.

(1) Minimum lot area, as defined herein: one acre (43,560 square feet);

(2) Maximum number of single-family detached dwelling units per lot: one;

(3) Minimum square footage per dwelling unit: ~~1,500~~ ***3,200*** square feet;

(4) Minimum lot width: 100 feet at front building line;

(5) Minimum lot depth: 175 feet;

(6) Minimum depth of front setback: ~~3~~ ***5***0 feet;

(a) No front entry garages shall be permitted at the 50-foot front building line.

(b) Garages built at the 50-foot building line shall be oriented in a traditional swing (j-swing) configuration or be a side entry garage.

(c) All front-facing garages, where the garage doors directly face and are generally parallel with the front street alignment, shall be setback 75-feet from the front property line.

(d) All front-facing garages, as described in (6) (c) above, shall be required to be offset from the rear building envelope of the primary structure. (How long of an offset??)

(7) Minimum depth of rear setback: 25 feet for main building and ten feet for accessory building or other structure;

(8) Minimum width of side set back:

(a) Internal lot: 15 feet; and

(b) Side yard setback abutting street: 30 feet.

(9) Minimum distance between separate buildings on the same lot or parcel of land: 15 feet;

(10) Minimum length of driveway pavement: from public right-of-way to the building line or 30 feet, whichever is greater;

(11) Maximum building coverage as a percentage of lot area, as defined herein: 35%;

(12) Maximum height of structures: 35 feet; and

(13) Minimum number of paved off-street parking spaces required for:

(a) One single-family dwelling unit: two (an enclosed garage shall not be considered in meeting the off-street parking requirements); and

(b) All other uses: see §§ 159.60 through 159.68.

(2005 Code, § 12-2-2) (Ord. 000615, passed - - ; Ord. 010419D, passed - - ; Ord. 101221A, passed 12-21-2010; Ord. 151013C, passed 11-10-2015; Ord. 160412-D, passed 4-12-2016; Ord. 181211B, passed 12-11-2018)