NOTICE AND AGENDA OF P&Z REGULAR CALLED MEETING
HEATH PLANNING & ZONING COMMISSION
200 LAURENCE DRIVE - HEATH, TX 75032
TUESDAY, JUNE 6, 2023 at 6:30 PM

1. Call to Order

2. Public Comment

3. Items for Individual Consideration

3.a Receive Report Regarding the May 23, 2023 City Council Meetings and discussion of same.

3.b Discussion and Action Regarding the Minutes of the Regular Meeting for May 2, 2023.

3.c Case No. ZA-2023-02: Conduct a Public Hearing and act on an application for a zoning change from (TH) Townhouse Residential District to (PD) Planned Development for Agricultural and Yacht Club Uses for 10.757 acres of property addressed as 320 Rush Creek Drive and used as Rush Creek Yacht Club. The property is further described as a portion of the Cary Cobb Survey, Abstract No. 63, City of Heath, Rockwall County, Texas. The application does not seek a zoning change for the 1.88 acres developed as townhomes within the boundaries of the subject property. (Rockwall CAD ID No. 21618). *(K. Lasher)*

4. Adjourn

NOTE: The Planning and Zoning 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 2nd day of June 2023 at 5:00 p.m.

Norma Duncan, City Secretary

Heath City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-771-6228 no later than 48 hours prior to a meeting if you require special assistance. Wi-Fi available in City Council Chambers - Password: Heath123

RECAP MINUTES
HEATH CITY COUNCIL
TUESDAY, MAY 23, 2023 at 6:30 PM

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

5.b Case No. CUP-2023-01: Conduct a Public Hearing and act on an application for a zoning Conditional Use Permit to construct a guest house measuring 1,239 square feet in lieu of the maximum area of 900 square feet allowed in the Ridge Lakes Planned Development established by (PD-SF) Planned Development for Single Family Uses Ordinance No. 141118A. The subject property is located at 536 Lodge Hill Drive, being 1.155 acres of land described as Lot 5, Block A, Ridge Lakes Phase I.

Director of Planning Aaron Adel stated that this item was for a request for a Conditional Use Permit for a guesthouse located at 536 Lodge Hill Drive. Adel provided a background of actions that have happened so far. The original application was presented to the Planning and Zoning Commission on April 4th and the Commission tabled it to their May 2nd meeting to allow the applicant time to coordinate with the staff to revise their application and reduce the requested square footage. There was no coordination between the applicant and the staff before the May 2 Planning and Zoning Commission meeting. Therefore, the Commission moved to deny the application without prejudice and a recommendation to waive the application fee for a new application within the next 12 months. Following the May 2 P&Z meeting, the applicant submitted a Request to Table to July 2023. The application does not comply with the minimum standards of the Heath Code of Ordinances, § 159.21 (B)(14) that limits the number of accessory structures to one and the maximum size for a single accessory structure to 900 SF. Per § 159.80 (C)(3), because the P&Z denied the application, City Council approval requires the favorable vote of 3/4 of all members. The motion options are: approve with ¾ vote, deny with or without prejudice, remand back to P&Z or move forward with the applicants request to table to the July meeting. Mayor Elam confirmed that if the item is denied with prejudice, the applicant cannot reapply for one year. Councilman Weaver recommended following the Commission recommendation to deny the application without prejudice and waiving the application fee. This would allow the applicant the opportunity to redesign their submittal and allow the item to go back through the P&Z approval process. Tabling is not a viable option.

MOTION: DENY WITHOUT PREJUDICE AND WAIVE THE APPLICATION FEE WITHIN A TWELVE MONTH PERIOD.

MOTION MADE: WEAVER
SECONDED: CALDWELL
APPROVED: PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT: ROLATER

5.c Case FV-2023-03: Conduct a Public Hearing and consider approval of an Ordinance granting a Variance to § 157.02 (C) and § 157.02 (E) of the Heath Code of Ordinances to allow a fence in front of the building line to be taller than four feet (4') and constructed of solid panels of metal pipe and vertical slats of treated lumber for property addressed as 5 Sandra Drive, being 5.41 acres in the (SF-43) Single Family Residential District, being Lot 1, Block A of Madebron Addition, City of Heath, Rockwall County, Texas. Section 157.02 (C) limits fences in the front yard to a maximum height of four feet (4'). Section 157.02 (E) requires fences in front of the building line to constructed of ornamental wrought iron or tubular steel and have at least 75% open area per linear foot. (Rockwall CAD ID No. 97705)

Director of Planning Aaron Adel stated that this request is for a fence variance located at 5 Sandra Drive. Notice of Public Hearing was published in the Dallas Morning News, posted on the city website and mailed to neighboring properties on May 8, 2023. Seven responses were returned in favor of the request and none received in opposition. The applicant also provided a petition in support that was signed by neighbors. This case is for an existing five-foot fence that is a result of code violations that included: construction without a permit and fence built with unapproved material. The fence is located in front of the building line, measures five-feet in height and constructed of solid panels that are made of metal pipe and vertical wood slats that are reclaimed timber that is treated. The Heath Code of Ordinance limits fences in the front yard to four-feet and requires that the fence be made of ornamental wrought iron or tubular steel and have at least 75% open area per lineal foot. The existing fence does not confirm to Chapter 157, Fences and requires a one-foot variance. Per the Heath Code of Ordinances, § 157.08 VARIANCES, the City Council may allow a variance to the provisions of the Fences Ordinance after a public hearing if it determines that the enforcement of a provision in a particular instance meets one of these four provisions: 1. Is not in the best interests of the public; 2. Constitutes waste or inefficient use of land or other resources; 3. Creates an undue hardship on the applicant for a permit; or 4. Does not serve its intended purpose, is not effective or necessary

HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 7:11 p.m.

- Applicant, Jason Mueller, 5 Sandra Drive – stated that he believed that his request for a variance meets all four provisions. The applicant hired a contractor to build the fence and assumed the contracted had applied for the proper permits. Removing the fence would be a create an undue hardship.

Mayor Elam closed the public hearing at 7:16 p.m.

Discussion and action regarding the request.

Councilman Weaver stated that he had multiple opposing positions on this situation. The property estate size is 5+ acres that can allow fences that are outside the norm, but this Council has been pretty consistent in not allowing tall privacy fences in the front yard. The approved taller fences must be built behind the build line. The financial burden to remedy the violations would have been avoided if the permit process was done and for this reason the burden cannot be used as part of the rationale. Mayor Elam stated approving this variance would set a precedent and that would come back to us in the future.

MOTION: DENY THE FENCE VARIANCE.

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

5.d Case FV-2023-04: Conduct a Public Hearing and consider approval of an Ordinance granting a Variance to § 157.02 (C) of the Heath Code of Ordinances to allow the construction of a fence in the front yard with a height of five feet (5') for property addressed as 1412 Hubbard Drive, a 1.5 acre lot in the (A) Agricultural District, being Lot 4 of Pecan Knoll Addition, City of Heath, Rockwall County, Texas. Section 157.02 (C) limits fences in the front yard to a maximum height of four feet (4'). (Rockwall CAD ID No. 33909)

Director of Planning Aaron Adel stated that this item is for a fence variance regarding a proposed five-foot tall decorative wrought iron fence in the front yard located at 1412 Hubbard Drive. The Heath Code of Ordinances, § 157.02 (C) limits fences in the front yard to a maximum height of four feet. Notice of Public Hearing was published in the Dallas Morning News, posted on the city website and mailed to neighboring properties on May 8, 2023. Two responses from adjoining properties were returned in favor and none returned in opposition. Applicant/Owner, Matt Zahm was present and provided the following demonstrations for requesting a five foot fence: to keep his dogs inside the

yard since they can jump a four-foot fence; adjoining neighbors have fences taller than four-feet and would like to keep a consistent look; keep coyotes from jumping in the yard, curious traffic and a car wreck in front of property. Adel stated that the compliance summary was that the proposed fence does not conform to Chapter 157, Fences, per the Heath Code of Ordinances, § 157.08 VARIANCES, the City Council may allow a variance to the provisions of the Fences Ordinance after a public hearing if it determines that the enforcement of a provision in a particular instance: Is not in the best interests of the public; Constitutes waste or inefficient use of land or other resources; Creates an undue hardship on the applicant for a permit; or Does not serve its intended purpose, is not effective or necessary.

HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 7:31 p.m.

- Applicant/owner Matt Zahm, 1412 Hubbard Drive – stated that his neighbor's fences are all over five feet tall and his fence would be consistent with the neighbors. Also the taller fence would relieve safety concern for his small children, and keeping his dogs in the yard and keeping coyotes out.

Mayor Elam closed the public hearing at 7:35 p.m.

Discussion and action regarding the request.

Mayor Elam stated that this fence will fit in fine with what the neighborhood and this is what fence variances are for. Councilman Weaver stated that he supported the request stating: with the fact that property falls off an elevation, helps mitigate the fence height variation, there are ten-fifteen feet right of way, the proposed fence is consistent with the neighboring fences and is 75% open.

MOTION: APPROVE ORDINANCE NO. 230523A REGARDING A FENCE VARIANCE AT 1412 HUBBARD DRIVE.

MOTION MADE:	CALDWELL
SECONDED:	KRAUSE
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	ROLATER

5.e Case SP-2023-02: Consider and act on a Site Plan for the Horizon Office Park Sandknop Health Medical Office Building, a proposed 18,000 square foot medical office building on 2.37 acres and a proposed detention pond common area lot on 1.03 acres of land described as Tract Two, W.W. Ford Survey, Abstract No. 80. The site is zoned (PD-LR) Planned Development for Local Retail Uses by Ordinance No. 170808A. The property is located at the northeast corner of Horizon Road and Jeff Boyd Road. (Rockwall CAD ID No. 330339 and 71055)

Director of Planning Aaron Adel stated that this request is for a Site Plan for a proposed 18,000 square foot medical office building on 2.37 acres and a proposed detention pond common area with an existing lift station lot on 1.03 acres of land located at the northeast corner of Horizon Road and Jeff Boyd Road. The lift station is in a City of Heath Access Easement connected to two 15' City of Heath Utility Easements: one easement contains an 8" sanitary sewer line and one easement contains a sanitary sewer force main. The two lots are connected by a 15' drainage and utility easement. On April 27, 2023, the Architectural Review Board recommended approval as presented and the Planning & Zoning Commission recommended approval at their May 2, 2023 meeting. The 2018 Comprehensive Plan's Future Land Use Plan depicts the property as Office Use described as, "small-scale offices (one- or two-story) such as doctors', lawyers' and realtors' offices." The application conforms to the Future Land Use Plan. The subject project involves three lots within the Preliminary Plat of Horizon Professional Office Park: Lots 3 & 4 are the 2.37 acre Building Lot/Site Plan; Lot 7 is the one-acre Detention Pond/Common Area Lot; and the following approval of the Site Plan, a Final Plat is the next step in the development process. Adel addressed the key elements of the Site Plan that included:

- Building Lines: 50' front, 20' side and rear

- Total Impervious Area = 72.6%, of which the Total building Coverage = 17.4%
- Total Landscaped Area = 27.4%
- 47 Parking Spaces = 129; § 159.64 requires 1 space per 150 SF medical office use. Total required spaces = 120. Total spaces provided = 129.
- 24' Access, Fire Lane, & Utility Easement surrounding the building.
- Proposed 6" sewer service
- Proposed 6" water service
- 20' Landscape and Utility Easement along Horizon Road frontage
- 5' sidewalk; 3' from curb

Masonry materials coverage should at least 80%, Masonry Veneers made of natural stone veneer, brick veneer, Architectural Stone veneer, 3-Step Stucco, Architectural Cast Stone and Fiber Cement Wood Plank. The building heights are all under the 40' allowed in the PD. Photometric Plan includes: Pole height and fixtures conform to the Outdoor Lighting/Dark Sky Ordinance; Max allowed FC at any point: 5.0, max proposed: 3.2; Max allowed FC at boundary: 1.5 adjacent to non-residential property and 0.5 adjacent to ROW, max proposed 0.5; and Final Photometrict Plan submitted with building permit to include a statement from the engineer confirming max 65,000 lumens per net acre & max average 1.5 FC for site parking, pedestrian ways & fire lanes.

Adel stated that in summary, the Site Plan conforms to the (PD-LR) Planned Development Ordinance No. 170808A and the 2018 Comprehensive Plan.

Mayor Pro Tem Ruffo reiterated that falls under a previously approved Planned Development. Councilman Weaver asked for confirmation that the landscaping coverage was 27% and also commented for the record that this PD was approved over six years ago when a different set of rules applies regarding impervious coverage. Applicant and Engineer Dub Douphrate with Douphrate & Associates, Inc., 2235 Ridge Road, Rockwall, was present and confirmed that measurements were taken on the impervious coverage and landscaped area and the percentage of 27.4% is correct. Architect Cameron Victor, McCalla Design Group, 5912 Ridge Road, Rockwall was also present and confirmed that the cut sheet drawings showing the wall packs were submitted to staff and were approved and photometric plan takes into consideration the wall packs.

MOTION: APPROVE A SITE PLAN FOR THE HORIZON OFFICE PARK SANDKNOP HEALTH MEDICAL OFFICE BUILDING LOCATED AT THE NORTHEAST CORNER OF HORIZON ROAD AND JEFF BOYD ROAD.

MOTION MADE:	MAYOR ELAM
SECONDED:	CALDWELL
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	ROLATER

5.f Case No. ZA-2023-04: Conduct a Public Hearing for and application to change the zoning on 2.463 acres of land from Towne Center Overlay District with a base zoning classification of Local retail (LR) District to a Planned Development (PD) for Towne Center Overlay District, with certain uses being excluded, for *"bank office uses only"* with a parking ratio of one parking space per 250 SF of building area. *(A related case for a Conditional Use Permit has been submitted case file CUP-2023-03. A related Site Plan case has been submitted under case file SP-2023-01.)* Applicant requests this item be tabled to the next City Council meeting of June 13, 2023.

Mayor Elam stated that the next three are pulled together and the applicant has asked to table all three items. We are in very open discussions with that group in what we are looking for in an architectural standpoint and they are coming back to us as a true landmark.
HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 8:12 p.m. and Mayor Elam stated that the public hearing will continue until the June 13, 2023 meeting.

5.g Case No. CUP-2023-03: Conduct a public hearing for an application for a Conditional Use Permit (CUP) to allow a drive-through motor bank and a two-story building within

the Towne Center Overlay District. The site is 2.463 acres of land described as Tract 1, Antonio Rodriguez Survey, Abstract No. 231, zoned Towne Center Overlay District, with a base zoning classification of (LR) Local Retail District located at the intersection of FM 740 and FM 549. (Rockwall CAD ID No. 13000) *(A related Zoning Change case has been submitted under case file ZA-2023-04. A related Site Plan application has been submitted under case file SP-2023-01.) Applicant requests this item be tabled to the next City Council meeting of June 13, 2023.*

HEARING to receive comments regarding the request.

Mayor Elam opened the public hearing at 8:12 p.m. Mayor Elam stated that the public hearing will continue until the June 13, 2023 meeting.

MOTION: TABLE THE ITEM 5.f and 5.g TO THE JUNE 13, 2023 COUNCIL MEETING.

MOTION MADE:	MAYOR ELAM
SECONDED:	KRAUSE
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	ROLATER

5.h Case No. SP-2023-01: Consider and act on a Site Plan for the American National Bank, a proposed 19,781 square foot bank and office building in the Towne Center Overlay District with requested variances to 1.) building height, 2.) building area per tenant, 3.) tower height, 4.) tower area at base 5.) signage height, 6.) impervious area requirement, 7.) site lighting and other variances as necessary. The site is 2.463 acres of land described as Tract 1, Antonio Rodriguez Survey, Abstract No. 231, zoned Towne Center Overlay District, with a base zoning classification of (LR) Local Retail District located at the intersection of FM 740 and FM 549. (Rockwall CAD ID No. 13000) *(A related Zoning Change and Conditional Use Permit cases have been submitted under case files ZA-2023-04 and CUP-2023-03.) Applicant requests this item be tabled to the next City Council meeting of June 13, 2023.*

MOTION: TABLE THE ITEM TO THE JUNE 13, 2023 COUNCIL MEETING.

MOTION MADE:	MAYOR ELAM
SECONDED:	KRAUSE
APPROVED:	PASSED UNANIMOUSLY BY THOSE PRESENT
ABSENT:	ROLATER

MINUTES
HEATH PLANNING & ZONING COMMISSION
REGULAR CALLED MEETING
TUESDAY, MAY 2, 2023 at 6:30 PM

ATTENDING: JAMES TUNNELL, CHAIRMAN
WAYNE GORDON, VICE-CHAIRMAN
THOMAS BISHOP
SHARON CALDWELL
HARRY HEINKELE
JOE RUSZKIEWICZ
BOB SHAW

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

2. Public Comment

- Robert Hart, 218 Carriage Hill Drive, spoke regarding item 3.e stating that his property is to the south of the applicant's property and the applicant has restructured his land which has caused drainage problems and running mud into Hart's backyard and pool causing a lot of grief. Hart provided a video presentation but was advised by staff that outside usb drives were not allowed.
- Hope Hart. 218 Carriage Hill Drive, stated that they have lived in their home for over forty years and have never had problems with drainage. The applicant has moved 6 feet of dirt and has built two new ponds which has caused a lot of drainage issues.
- Sharon Caldwell, 501 Willow Springs, stated that this meeting was her last one on the Commission since she would now be a member of the City Council and thanked the Commission for their service to the community and she has learned tremendously as a Commissioner. Caldwell invited all to attend City Council meetings and see what is going on .
- Malcomb Gable, 206 Carriage Hill Drive, was present to clarify what the problem was and how it was created by the applicant. An engineering drainage study should include a remediation plan for the drainage and this study does not. Gable recommended building two culverts to alleviate the drainage problem and asked staff not to approve any more work by the applicant until the drainage issues have been resolved.

3.a Receive Report Regarding the April 25, 2023 Council Meeting and discussion of same.

Chairman Tunnell acknowledged receipt of the April 25 Council Meeting regarding P&Z items covered at the April 4th Planning and Zoning meeting.

3.b Discussion and Action Regarding the Minutes of the April 4, 2023 Regular Meeting.

MOTION: APPROVE THE MINUTES OF THE APRIL 4th MEETING AS CORRECTED.

MOTION MADE:	GORDON
SECONDED:	RUSKIEWICZ
APPROVED:	PASSED UNANIMOUSLY

3.c Case No. CUP-2023-01: Conduct a Public Hearing and act on an application for a zoning Conditional Use Permit to construct a guest house measuring 1,239 square feet in lieu of the maximum area of 900 square feet allowed in the Ridge Lakes Planned Development established by (PD-SF) Planned Development for Single Family Uses Ordinance No. 141118A. The subject property is located at 536 Lodge Hill Drive, being 1.155 acres of land described as Lot 5, Block A, Ridge Lakes Phase I. *Tabled from the Planning and Zoning Commission Meeting on April 4, 2023.*

Director of Planning Aaron Adel stated that this item was regarding an accessory structure and guest house at 536 Lodge Hill Drive. The Commission tabled the item at the April 4th meeting to allow the applicant time to coordinate a meeting with staff on different scenarios that would reduce

the square footage of the guest house. The applicant has not met with stand and staff recommends denial without prejudice to allow the applicant more to time to revise their plan.

MOTION TO DENY THE CUP REQUEST WITHOUT PREJUDICE AND WAIVE THE ASSOCIATED APPLICATION FEE IF DONE WITHIN TWELVE MONTHS.

MOTION MADE:	GORDON
SECONDED:	CALDWELL
APPROVED:	PASSED UNANIMOUSLY

3.e Case No. ZA-2023-01: Discussion of an application to change the zoning classification from (A) Agricultural District to (SF-43) Single Family Residential District on property located generally at 1216 Smirl Drive, being approximately 5.685 acres of land in the E. Teal Survey, Abstract 207, City of Heath, Rockwall County, Texas and located approximately 300 feet north of the intersection of Smirl Drive and Carriage Hill Lane on the east side of Smirl Drive. (Rockwall CAD ID No. 110295 and 12687). *Tabled from the Planning and Zoning Commission meeting on April 4, 2023 (A. Adel)*

Director of Planning Aaron Adel stated that this item was tabled from the April 4th P&Z meeting. The request is for a zoning classification change from (A) Agricultural District to (SF-43) Single Family Residential District on property located at 1216 Smirl Drive on 5.685 acres. Notice was published in the Dallas Morning News, posted on the City of Heath website, and mailed to 30 neighbors within 500' of the property on February 9, 2023. Neighborhood notices were mailed again on March 24, 2023 and six notices were returned, five in opposition and one returned in favor. In the Comprehensive Plan, the Future Land Use Map indicates Rural Estate Land Use which conforms to the (SF-43) Single-Family Residential District and the (A) Agricultural District. Adel revisited the Development Process and stated that the applicant requests the zoning change to facilitate the creation of a residential subdivision to contain five single-family residential lots of approximately one acre each and one ten-acre lot remaining in the (A) Agricultural District. Some history on the case is: On February 7, the Public Hearing notice was scheduled but due to a deficiency in the notice, the Public Hearing was heard on March 7, and a motion was made to table to the April 4th meeting to allow the applicant time to submit a drainage study and sewer feasibility presentation. On April 4, a motion was passed to table to the May 2 meeting to receive drainage and sewer info from the applicant. On April 25th, City Council denied the Preliminary Plat Without Prejudice citing the lack of compatible zoning. Regarding Sewer, the Council indicated that they understood that the Code of Ordinances requires all developments to connect to accessible and available public sewer and the applicant has requested a variance to allow the use of onsite sanitary sewer facilities (OSSF) since the lots are at least one acre of buildable area and can accommodate an OSSF. The Council will consider the sewer issue when the applicant submits a new Preliminary Plat application after the zoning issue is resolved. Chairman Tunnel provided a transcript excerpt from the April 25th Council meeting, the Council considered the City Engineer's comments regarding the required drainage studies that will accompany a Final Plat and acknowledged that the drainage details will be addressed and comply with the city's regulations. Adel provided the Purpose of Zoning Districts §159.05 and the pros and cons of onsite septic vs city sewer, to assist the Commission with their decision. City Engineer Richard Dormier was present to answer any questions regarding drainage.

MOTION TO DENY

MOTION MADE:	CALDWELL
SECONDED:	BISHOP

Marie clarified the request to deny with or without prejudice.

AMENDED MOTION: DENY WITHOUT PREJUDICE

MOTION MADE:	CALDWELL
SECONDED:	BISHOP
APPROVED:	PASSED UNANIMOUSLY

3.d Case SP-2023-02: Consider and act on a Site Plan for the Horizon Office Park Sandknop Health Medical Office Building, a proposed 18,000 square foot medical office building on 2.37 acres and a proposed detention pond common area lot on 1.03 acres of land described as Tract Two, W.W. Ford Survey, Abstract No. 80. The site is zoned (PD-LR) Planned Development for Local Retail Uses by Ordinance No. 170808A. The property is located at the northeast corner of Horizon Road and Jeff Boyd Road. (Rockwall CAD ID No. 330339 and 71055)

Director of Planning Aaron Adel stated that this item was for a Site Plan for an 18,000 square-foot medical office building on 2.37 acres and a detention pond common area lot on 1.03 acres located at the northeast corner of Horizon and Jeff Boyd Roads. The lift station is in an access easement connected to two 15' City of Heath Utility Easements, one easement contains an 8" sanitary sewer line and one easement contains a sanitary sewer force main. The two lots are connected by a 15' drainage and utility easement. The next step is a Final Plat to plat the two lots before moving to building permitting. Key elements of the Site Plan are Building Lines: 50' front, 20' side and rear; Impervious Area is 72.6% with total building coverage of 17.4%; Total Landscaped Area 27.4%; Total parking spaces required are 120 (1 space per 150 sf medical office use) and a total of 129 spaces are provided; 24 feet access, fire land and utility easements surrounding the building; Proposed 6" sewer & 8" water service; 20' landscape and utility easement along Horizon Road frontage; and 5' sidewalk; 3' from curb. The Photometric Plan includes: Pole height and fixtures conform to the Outdoor Lighting/Dark Sky Ordinance; Max allowed FC at any point and 5.0, Max proposed 3.2; Max allowed FC at boundary: 1.5 adjacent to non-residential property and 0.5 adjacent to ROW, Max proposed 0.5; Plan submitted with building permit to include a statement from the engineer confirming max 65,000 lumens per net acre & max average 1.5 FC for site parking, pedestrian ways & fire lanes. The dumpster enclosure building materials are consistent with the main structure. The masonry coverage required by the PD is at least 80% and the plans submitted confirm and the materials include: Natural Stone Veneer, Brick Veneer, Architectural Stone Veneer, 3-Step Stucco, Architectural Cast Stone and Fiber Cement Wood Plank. All the various roof heights are lower than what is allowed at 40 feet by the ordinance. Architect Cameron Victor, McCalla Design Group, 5912 Ridge Road, Rockwall was present and explained the roof heights and the top of the parapet and answered questions.

MOTION TO APPROVE AS PRESENTED.

MOTION MADE:	GORDON
SECONDED:	RUSZKIEWICZ
APPROVED:	PASSED UNANIMOUSLY

3.f Case No. ZA-2023-04: Conduct a Public Hearing for and application to change the zoning on 2.463 acres of land from Towne Center Overlay District with a base zoning classification of Local retail (LR) District to a Planned Development (PD) for Towne Center Overlay District, with certain uses being excluded, for "*bank office uses only*" with a parking ratio of one parking space per 250 SF of building area. (*A related case for a Conditional Use Permit has been submitted case file CUP-2023-03. A related Site Plan case has been submitted under case file SP-2023-01.)*

Assistant City Manager Kevin Lasher stated that the following three cases are interlaced and were dependent upon each other regarding approval and would be presenting the Zoning and Conditional Use Permit (CUP) cases together since they required public hearings and the Site Plan would be presented last. The purpose of the CUP is to allow a drive through and a two-story building. This presentation did not include signage information and would be provided later. The lighting plans will also be provided later but before a building permit is issued. Lasher stated that the Towne Center Overlay District with an underlying base classification of Local Retail (LR) District and the applicant American National Bank is seeking to relocate the majority of its banking and finance functions to a new regional location in Heath. The facility would contain a retail banking branch with three drive-through ITM/ATM lanes. The applicant and staff have agreed to exclude the current land uses as a condition of approval for the zoning change request and recommend changing it to "Permitted uses shall include and be limited to bank office uses only."

CUP and Variance Summary:

1. Conditional Use Permit for Second Floor and Drive-Through - The CUP is required for the two-story structure and is established in § 159.29 (F)(4)(c)2. of the Overlay District (Ordinance No. 220927E). Since the property has a base zoning classification of Local Retail (LR) District, the CUP for the drive-through lanes will be required.
2. Floor Area Variances - The site plan reflects a 19,781 SF office building two stories in height. The area of the building would require a variance to Overlay § 159.29 (D)(2)(b), which limits the floor area per tenant to a maximum of 8,000 SF. ANB intends to occupy both floors of the building.
3. Height Variance – The northeast corner of the building contains a tower element measuring 44'-5" in height to the peak of the roof. This is 9'-5" above the maximum permitted height of 35' as established by § 159.29 (F)(4)(c)(2) of the Overlay District. The base floor area for this tower is 292 SF which is 52 SF more than permitted in the Overlay. b. A raised metal roof structure would be placed in the central portion of the roof area to hide a collection of rooftop units. The peak roof height for these features is 41'-0", which is 6' above the maximum permitted height of 35'. The building signage mounted on the entablature measures 40' high, which is 15' higher than allowed under § 159.29 (J)(2)(a) of the Overlay District. A variance to allow a base building height of 34'-11' will also be required to Section (F)(4)(a), which limits the base building height to 25'.
4. Trees - The Treescape Plan shows 12 trees being replaced with a total of 101 diameter inches of new tree plantings. However, two listed species of replacement trees are 2.5 inches in diameter. § 158.41 (C) of the tree mitigation ordinance requires replacement trees to be a minimum of three-inch diameter, measured four and one-half feet above the ground, and seven feet in height when planted. The applicant will either need to revise these size specifications or request a variance.
5. Block Length – § 159.29 of the Overlay limits the block length to 600' maximum. The subject property is slightly over 800' long and is defined by TxDOT roadway boundaries.
6. Impervious Cover - The applicant will need a variance to this requirement. § 159.29 (E) 1. (b) limits the maximum amount of impervious area to 65% of the net developed area. The applicant's site plan reflects a 79.1% impervious coverage. They are requesting a variance to use permeable pavers for the parking spaces to bring the coverage down to 62.7 %. The applicant has been requested to provide the Board with more details about the proposed paver system. The applicant is requesting a parking ratio of 4 spaces per 1,000 SF (1/250 SF). The reduced parking ratio would require 75 spaces instead of 101 spaces for the 17,781 SF bank building. Twenty-six (26) spaces would be reduced to green space for a 62% Impervious coverage.
7. Lighting -With respect to lighting, the foot-candle (FC) readings depicted on the photometric plan under the drive-through canopy exceed the maximum permitted 10 FC, as established by §98.05 (7), Ord No. 220712A. Outside of, but proximate to, the canopy, FC readings exceed the maximum of 5 FC as established by the same section of Ordinance No. 220712A. The applicant is invoking FDIC/federal security requirements as a basis for the variance. The applicant has been asked to provide more information regarding these rules.

On April 21, 2023, a notice of this Public Hearing was mailed to thirteen property owners located within 500 feet of the subject property. The same notice was also posted in the Dallas Morning News on the same date. One notice received. At their regular meeting on April 27, 2023, the Architectural Review Board voted five "for" and one "against" to recommend approval of both CUP requests and the listed variances as presented. With respect to the variance requested to the impervious cover requirement, the Board conditional their approval that the applicant secure approval of zoning case ZA-2023-04 by the City Council, which would include a provision to reduce the parking ratio to one (1) space per 200 SF. Chris Cronin, 414 Wyndemere, Chief Operations Office at American National Bank, was present and spoke in support of the project stated ANB, over $500,000 has already been spent in getting sewer to this property. Cronin stated that ANB has secured approval from the Office of the Controller of the Currency (OCC) for the location of this bank and has a time constraint of 18 months to get the CO. Cronin is a resident of Heath and wants the opportunity to build a nice building and pay city taxes. Scott Clanton, Principal MG Architects, 14333 Grisby Rd, Houston, TX, specializes in financial institutions, stated that he compared the parking requirement of four cities and addressed the variances requested. The Commissioners continued discussion and consensus was that there were too many variances and they did not feel

comfortable enough to approve. Tunnell recommended tabling the item to allow time for staff to provide the draft ordinance and allow you to work out a few issues.

HEARING to receive comments regarding the request.

Chairman James Tunnell opened the public hearing at 9:37 p.m. and Tunnell closed the public hearing at 9:38 p.m.

Discussion and action regarding the request.

Gordon stated that there were still too many unanswered questions regarding all the variances requested and did not feel comfortable approving the request. Caldwell spoke in opposition and stated the proposed building was too large.

MOTION TO DENY WITHOUT PREJUDICE

MOTION MADE:	CALDWELL
SECONDED:	HEINKELE
APPROVED:	PASSED UNANIMOUSLY

3.g Case No. CUP-2023-03: Conduct a public hearing for an application for a Conditional Use Permit (CUP) to allow a drive-through motor bank and a two-story building within the Towne Center Overlay District. The site is 2.463 acres of land described as Tract 1, Antonio Rodriguez Survey, Abstract No. 231, zoned Towne Center Overlay District, with a base zoning classification of (LR) Local Retail District located at the intersection of FM 740 and FM 549. (Rockwall CAD ID No. 13000) *A related Zoning Change case has been submitted under case file ZA-2023-04. A related Site Plan application has been submitted under case file SP-2023-01.*

Chairman James Tunnell opened the public hearing at 9:53 p.m. Tunnell closed the public hearing at 9:53 p.m.

MOTION TO DENY WITHOUT PREJUDICE

MOTION MADE:	CALDWELL
SECONDED:	RUSZKIEWICZ
APPROVED:	PASSED UNANIMOUSLY

3.h Case No. SP-2023-01: Consider and act on a Site Plan for the American National Bank, a proposed 19,781 square foot bank and office building in the Towne Center Overlay District with requested variances to 1.) building height, 2.) building area per tenant, 3.) tower height, 4.) tower area at base 5.) signage height, 6.) impervious area requirement, 7.) site lighting and other variances as necessary. The site is 2.463 acres of land described as Tract 1, Antonio Rodriguez Survey, Abstract No. 231, zoned Towne Center Overlay District, with a base zoning classification of (LR) Local Retail District located at the intersection of FM 740 and FM 549. (Rockwall CAD ID No. 13000) *A related Zoning Change and Conditional Use Permit cases have been submitted under case files ZA-2023-04 and CUP-2023-03.*

MOTION TO DENY WITHOUT PREJUDICE

MOTION MADE:	RUSZKIEWICZ
SECONDED:	GORDON
APPROVED:	PASSED UNANIMOUSLY

4. Recognition - Commissioner Sharon Caldwell.

Chairman James Tunnell announced that Commissioner Sharon Caldwell was appointed to the City Council and this meeting tonight would be her last meeting of the Planning and Zoning Commission. The Commission wished Caldwell best wishes and thanked her for her services.

Chairman James Tunnell adjourned the meeting at 9:56 p.m.

APPROVED:

_____
JAMES TUNNELL
CHAIRMAN

ATTEST:

_____
NORMA DUNCAN
CITY SECRETARY

CITY of HEATH
Planning & Zoning Commission
Agenda Brief

MEETING DATE: 06/06/2023 **AGENDA ITEM: 3.c**

Item:

Case No. ZA-2023-02: Conduct a Public Hearing and act on an application for a zoning change from (TH) Townhouse Residential District to (PD) Planned Development for Agricultural and Yacht Club Uses for 10.757 acres of property addressed as 320 Rush Creek Drive and used as Rush Creek Yacht Club. The property is further described as a portion of the Cary Cobb Survey, Abstract No. 63, City of Heath, Rockwall County, Texas. The application does not seek a zoning change for the 1.88 acres developed as townhomes within the boundaries of the subject property. (Rockwall CAD ID No. 21618). *(K. Lasher)*

Applicant:

Trenton Robertson, AICP/Master Plan Texas

Owners:

Rush Creek Yacht Club

Current Zoning:

(TH) Townhouse Residential District

Requested Zoning Amendment:

(PD) Planned Development for Agricultural and Yacht Club Uses

Background:

The Rush Creek Yacht Club (RCYC) is requesting a zoning change to better reflect the current use of their property and positively affect their property tax position. The club does not propose any land use changes with this zoning application. The current zoning designation of (TH) Townhouse Residential District, would allow for townhomes by right for all of the property. The current zoning designation does not conform to the City of Heath's Future Land Use Plan and is contrary to the RCYC's mission. The proposed zoning change:

- Creates consistency with the current use as a Yacht Club and ancillary uses
- Protects the mission of the RCYC to promote the sport of sailing
- Conforms generally to the 2018 Comp Plan's Future Land Use Plan
- Conforms to the "Private Recreation" definition and guidelines in the 2018 Comp Plan that

provides for private marinates and similar private uses and states this is usually occurs through Planned Development (PD) zoning.

Please see the attached Comp Plan and Zoning map excerpts.

The Site Plan serves as the required Concept Plan for this proposed PD.

The proposed PD, Included as Exhibit C in the attached PD Ordinance 05/31/2023 file, includes the following Permitted Uses subject to Section 159.20 of the Zoning Ordinance and Prohibited Uses:

- Uses permitted in the (A) Agricultural District, except for those expressly prohibited below
- Yacht club clubhouse
- Swimming pool
- Maintenance area
- Recreation area/courts/facilities
- Education/school
- Caretaker quarters

Prohibited Uses:

- Farming, ranching, and related activities
- Single-family dwellings
- Duplex or multi-family residential
- Home occupations
- Facilities for raising animals
- Wholesale nursery

The PD proposes the following key considerations that vary from the Code of Ordinances and/or require discretion when the base zoning of (A) does not include a standard. The language in the applicant's proposed ordinance is in **BOLD**.

- **Any additions, modifications, or amendments to the Site Plan shall be approved administratively.** Note that the Site Plan includes unpaved parking areas for boats and special events. It is the City's practice to require site plan approval for all non-residential development. The Code of Ordinances does not include a process to approve site plans administratively. § 159.40 SITE PLAN APPROVALS (B), (D), and (E) states that, "If, in the determination of the Planning and Zoning Commission or City Council, a site plan is deemed necessary in order to elevate a proposed use, or as required under any other provision of this section, such site plan shall be submitted in the form and number as required by the Planning and Zoning Commission. The City Council, after review and recommendation by the Architectural Review Board and the Planning and Zoning Commission, may approve a site plan if the proposed development meets all the minimum standards established in this subchapter and other applicable ordinances, and if the Council finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. It shall disapprove or conditionally approve any application that fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the city. The site plan shall be submitted to the City Secretary two weeks prior to the regularly scheduled Architectural Review Board, and then the Planning and Zoning Commission for review. The Building Official or his designee shall review these plans as quickly as possible, but in no case shall he or she delay submission beyond one Architectural Review Board and Planning and Zoning Commission meeting. The Architectural Review Board shall recommend to the

Planning and Zoning Commission that the site plan be approved, disapproved, or approved with modifications, including the imposition of conditions by making findings in accordance with the standards contained in this chapter and such additional standards as may be adopted and published from time to time. The Planning and Zoning Commission may remand the site plan back to the Architectural Review Board or make its recommendation to the City Council that the site plan be approved, disapproved, or approved with modifications, including the imposition of conditions by making findings in accordance with the standards contained in this chapter and the Comprehensive Plan. The Architectural Review Board and Planning and Zoning Commission shall then submit a formal report containing its recommendations to the City Council."

- **Maximum Building/Lot Coverage shall not exceed 45% of the gross area.** RCYC proposes 45% to accommodate parking and possible future expansion/new clubhouse construction. The (A) District does not regulate a lot coverage percentage. For reference, the maximum lot coverage allowed in residential districts is 35%. Local Retail allows 40% coverage by buildings and a maximum impervious coverage of 65%;
- **Maximum height of any building or structure shall not exceed 3 stories or 45'.** The maximum allowed height in the (A) district is 35'. For reference, other non-residential districts limit height to 25' and require a CUP for heights that exceed 25'.
- **All parking shall be permitted in its current state as of the effective date of this Ordinance and generally conform to the location and dimensions shown on the Site Plan. All new parking shall conform to the City of Heath Code of Ordinances Sections 159.60-159.68.** There are locations of parking on unimproved surfaces noted on the site plan. Some of the parking on unimproved surfaces is within the take area.

All of the above considerations were addressed with the application by way of DRC comments provided following the staff's review. Several of the staff's comments were addressed as suggested in the DRC comments. The attached DRC Comments Responses provide the applicant's rationale for leaving some topics unchanged or for modifying things differently than suggested by the DRC.

Public Notification:

Notices of Public Hearing were published in the Dallas Morning News, posted on the city website, and mailed to owners of property within 500' on May 26, 2023. Sixty-one (61) expressions of support were received. Eight (8) responses are from the existing townhome units. Eleven (11) responses are from non-townhome properties within the notification boundary. The remaining support letters are from RCYC members who are Heath residents. Due to the volume of responses, hard copies will be provided at the public hearing and not included in the online packet. See the attached Vicinity Map with Responses.

Financial Impact:

.

Legal Impact:

NA

Comprehensive Plan Impact:

The Future Land Use Map designates the RCYC property for Private Recreation Uses and Town House

Residential.

Compliance Summary:

In summary, the PD generally conforms to the Comprehensive Plan. The proposed zoning change reflects the use of the land and conforms to the development in the vicinity as shown on the zoning map.

The application proposes the following key considerations that vary from the Code of Ordinances and/or require discretion when the base zoning of (A) does not include a standard. The language in the applicant's proposed ordinance is in **BOLD**.

- **Any additions, modifications, or amendments to the Site Plan shall be approved administratively.** Note that the Site Plan includes unpaved parking areas for boats and special events. It is the City's practice to require site plan approval for all non-residential development. The Code of Ordinances does not include a process to approve site plans administratively.
- **Maximum Building/Lot Coverage shall not exceed 45% of the gross area.** RCYC proposes 45% to accommodate parking and possible future expansion/new clubhouse construction. The (A) District does not regulate a lot coverage percentage. For reference, the maximum lot coverage allowed in residential districts is 35%. Local Retail allows 40% coverage by buildings and a maximum impervious coverage of 65%;
- **Maximum height of any building or structure shall not exceed 3 stories or 45'.** The maximum allowed height in the (A) district is 35'. For reference, other non-residential districts limit height to 25' and require a CUP for heights that exceed 25'.
- **All parking shall be permitted in its current state as of the effective date of this Ordinance and generally conform to the location and dimensions shown on the Site Plan. All new parking shall conform to the City of Heath Code of Ordinances Sections 159.60-159.68.** There are locations of parking on unimproved surfaces noted on the site plan. Some of the parking on unimproved surfaces is within the take area.

The Zoning Ordinance provides the following regulations for Planned Developments:

§ 159.28 (PD) PLANNED DEVELOPMENT DISTRICT.

(A) Purpose.

(1) The city has adopted a Comprehensive Plan which provides for: the maintaining of the current overall density in the city of one dwelling unit per developable acre of lot area, as defined herein; rezoning of the current agricultural and one-acre zoned areas allowing smaller lot sizes only on an exception basis; and generally maintaining the open, rural atmosphere of the city.

(2) This district is being adopted primarily to facilitate the goals of the Comprehensive Plan by providing the city a zoning district which allows the confirmation of developments proposed by applicants that have varying lot sizes within a given tract(s) of land and which fall between existing zoning categories. *This district does not allow a greater number of residential lots than would otherwise be achieved by SF-43 zoning, but instead allows limited flexibility in lot sizes to accommodate particular topography and other natural conditions.* ***The district does not permit mixing of residential and retail or commercial uses, as mixed use residential is not a land use established by the Comprehensive Plan.***

(3) A planned development (PD) is generally on tracts of land of ten acres or more *(but may be considered on smaller tracts) and may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.*

(4) The minimum required amount of acreage in a proposed project for which application for a Planned Development District is made shall be given consideration by the Planning and Zoning Commission with recommendations forwarded to the City Council. ***Other purposes of the district are to maintain conformity with the Comprehensive Plan, encourage creative development of the land, preserve the natural amenities of land, provide locations for well-planned comprehensive developments, and allow for variety and flexibility in the development patterns of the city.***

(5) Although this district permits the flexibility of having different densities in different portions of the district, this district does not allow clusters of dense residential development but instead to facilitate maintenance of current overall density of one dwelling unit per developable acre as described in the Comprehensive Plan.

(6) The Council is empowered to grant permits for planned developments only after review and recommendation by the Planning and Zoning Commission under the procedures established herein.

(B) Uses permitted. A Planned Development District may only be approved for a use or combination of uses provided for in this chapter including special use permits. The uses permitted in any specific Planned Development District shall be enumerated in the ordinance establishing the districts.

(C) Density and open space regulations.

(1) In accordance with the Comprehensive Plan, land that is classified within any floodplain, also referenced as the 100-year floodplain with fully developed conditions for the entire watershed, shall not be reclaimed nor included as lot area.

(2) To comply with the goals of the Comprehensive Plan, higher percentages of open space should be required as the density is increased or the lot sizes decreased.

(3) The designation of open space as improved, partially improved, or unimproved shall be subject to the approval of the Planning and Zoning Commission. The designations shall be determined in consultation with the developer, preferably with on-site inspections and the Planning and Zoning Commission may divide a given area into two or more designations. In making this determination the Planning and Zoning Commission shall be guided by the following factors:

(a) The size and location of these areas in relation to the overall area of the Planned Development District;

(b) The degree to which these areas contribute to the quality, livability, and amenity of the Planned Development District; and

(c) The degree to which the developer agrees to improve the land for active or passive recreational purposes.

(D) Area and other requirements.

(1) Except as otherwise provided in this section, area requirements for each use shall be within the maximum and minimum standards applicable to such use as if the use was situated in the zoning district to which it is most similar as determined by the Planning and Zoning Commission, or demonstrate that the intent of the standards has been met in accordance with good planning practices. The zoning district most similar to each use shall be stated in the granting ordinance. Also, in the Planned Development District, each use shall conform to the regulations of the zoning district to which it is most similar as determined by the Planning and Zoning Commission, and the Planned Development District shall conform to all other sections of the Zoning Ordinance, unless specifically excluded in the granting ordinance. All applications to the city shall list all requested differences, if any, from the standard requirements set forth throughout the Zoning

Ordinance (applications without this list will be considered incomplete).

(a) Average lot size shall remain one acre lot area, as defined herein.

(b) Minimum lot size shall be one-half acre of lot area, as defined herein.

(c) Lots less than three quarters of one acre of lot area, as defined herein, shall constitute no more than 5% of total number of lots in any planned development and lots between three quarters of one acre and one acre of lot area, as defined herein, should constitute no more than 15% of the total number of lots in any planned development.

(d) Lot area, as defined herein, may not be counted towards both residential and commercial or retail purposes. Portions of a development that will be used for commercial or retail purposes may not be included or credited towards residential density calculations.

(2) Modification of the area requirements contained in this section may be allowed by the Planning and Zoning Commission and the Council when all of the following circumstances are met:

(a) The proposed modifications substantially meet the intent of the Zoning and Subdivision Ordinances;

(b) The proposed modifications help preserve the natural amenities of the land and/or are justified by unusual or unique characteristics of the subject property; and

(c) The proposed modifications shall not be granted to relieve a self-created or personal hardship, nor for financial reason only.

Attachments:

ZA-2023-02 PD Rush Creek Yacht Club Application.pdf
ZA-2023-02 PD Rush Creek Yacht Club Comp Plan and Zoning.pdf
ZA-2023-02 PD Rush Creek Yacht Club Vicnity Map with Responses.pdf
ZA-2023-02 PD Rush Creek Yacht Club DRC Comments_Responses.pdf
ZA-2023-02 PD Rush Creek Yacht Club PD Ordinance 5-31-23.pdf
ZA-2023-02 PD Rush Creek Yacht Club Exhibit A - Survey.pdf
ZA-2023-02 PD Rush Creek Yacht Club Exhibit B - Site Plan.pdf

CITY OF HEATH
DEC 29 2022
COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING CHANGE

CITY OF HEATH

200 LAURENCE DRIVE | HEATH, TEXAS 75032 | 972-771-6228 | www.heathtx.com

APPLICANT NAME: Trenton Robertson
ADDRESS: 2201 S Main St, Ste. 1280 Dallas, TX 75201
E-MAIL ADDRESS: trobertson@masterplantexas.com
TELEPHONE: *(home)* *(work)* *(mobile)* 972-561-8732

1. LEGAL DESCRIPTION OF PROPERTY INVOLVED:
Rush Creek, Acres 10.757 (320 Rush Creek Drive)

2. LEGAL OWNER OF PROPERTY INVOLVED: Rush Creek Yacht Club

3. The Applicant requests that the above described property be changed from its present zoning to the requested zoning district classification.

PRESENT Zoning Classification: Townhouse Residential District (TH)
REQUESTED *Zoning Classification*: Planned Development District (PD)

4. REASON FOR REQUEST: See attached "Land Use Statement".

5. There **ARE** / **ARE NOT** Deed Restrictions pertaining to the intended use of the property.

6. I have attached hereto as Exhibit "A" a Plat showing the property which is the subject of this requested Zoning Change and have read the following note concerning the importance of my submission to the City of a sufficient legal description.

Signature of Applicant **Date** 12/27/2022

***NOTE*:** The legal description is used to publish notice of the required hearings and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having his surveyor or attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some future date because of an insufficient legal description. *The attached certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description; however, the same is not a requirement of the Application.*

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow a qualified surveyor to locate and mark off said tract on the ground.

(*Circle One*) Surveyor / Attorney for the Applicant

Masterplan

Land Use Statement

Zoning Change for Rush Creek Yacht Club (320 Rush Creek Drive)

12/27/2022

Request

Our request is to rezone 320 Rush Creek Drive from Townhouse Residential District (TH) to a Planned Development District to continue to allow for the Rush Creek Yacht Club and its ancillary uses to remain. The Rush Creek Yacht Club (RCYC) was founded as a Texas non-profit entity in 1969. Its sole purpose is to promote the sport of sailing on the waters of Lake Ray Hubbard. For 53 years, RCYC has held annual regattas ranging from local fun races to World Championship level events. RCYC has become the home for National, North American, World and Olympic Gold Medal Championship sailors. Our year-round youth sailing program is one of the largest and most successful in the state of Texas. RCYC Summer Youth Sailing Camps are hugely popular and are open to kids in the community as well as in the DFW Metroplex and beyond. RCYC brings people here from all over the USA and the World to experience our special part of Texas.

The subject property's current zoning designation of Townhouse Residential District (TH) would allow for townhomes by right being contrary to not only the RCYC's mission but the City of Heath's Comprehensive Plan. The purpose for this change is to guarantee and protect the RCYC mission, "...promoting the sport of sailing" and creating consistency with the current use of a Yacht Club and the City's Comprehensive Plan's future land use designation. The zoning change request would allow for the RCYC to guarantee the preservation of its club years down the road and would make the property constant with the "Private Recreation" future land use designation in the City's Comprehensive Plan. The "Private Recreation" designation calls for "private golf courses, private marinas, and similar private uses". In accordance with the future land use plan, it states to achieve this that it "usually occurs through Planned Development (PD) zoning".

PD Conditions

- Permitted Uses: Private and non-private yacht club and ancillary uses which shall include but are not limited to boat storage parking, clubhouse, swimming pool, maintenance area, recreation area/courts/facilities, education/school, caretaker quarters, etc.

- Any future expansions or additions on the subject property that relate to parking, impervious cover increase, and/or structures shall be permitted and not constitute a major amendment to the concept and development site plan and shall be reviewed and administratively approved by City staff.

Property Boundary Description

Being a tract or parcel of land out of the Cary Cobb Survey,

Abstract No. 63, situated in Rockwall County, Texas and being a part of a 47 acre tract described as First Tract, part of a 35 acre tract described as Seventh Tract, and part of a 50 acre tract described as Eighth Tract in a General Warranty Deed from Floyd Hartman and wife, Irene Hartman to Roscoe S. Berry and Sherman E. Berry, dated June 15, 1953, and recorded in Volume 49, Page 282, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the take line of Lake Ray Hubbard at a concrete monument Stamped F 20-9;

THENCE North 27° 12' 50" West, 182.42 feet to a point;

THENCE North 62° 47' 10" East, 782.62 feet to a point;

THENCE North 89° 57' 10" East, 470 feet to a point said point also being in the centerline of a county road;

THENCE South 0° 61' 42" West 239. 33 feet to a point;

THENCE North 86° 27' 44" West 154.6 feet to a point;

THENCE South 17° 23' 40" West 256.9 feet to a point;

THENCE South 43° 45' 50" West 156.65 feet to a point;

THENCE South 66° 10' 50" West 205.0 feet to a point;

THENCE South 49° 27' 20" West 359.0 feet to a point;

THENCE South 67° 23' 20" West 145.7 feet to a point;

THENCE North 18° 34' 40" West 463.9 feet to the place of beginning and containing 13.782 acres of land.

SAVE AND EXCEPT:

BEGINNING at an iron pin located 270.4 feet South 64° 46' 59" West of a concrete monument marked F20-I on the takeline of Lake Ray Hubbard;

THENCE: South 30° 24' 10" West a distance of 101.95 feet to a point for a corner;

THENCE: South 11° 15' 54" West a distance of 214.92 feet to a point for a corner, said corner being the point of curvature of a circular curve having a central angle of 42° 44' and a radius of 225.0 feet, the long chord of said curve having a bearing of South 38° 551 54" West and a distance of 164.0 feet;

THENCE: Along said curve 169.90 feet to an iron rod for a corner;

THENCE; South 81° 06' 50" West: a distance of 113.07 feet to a point for a corner;

THENCE: South 70° 10' 53" West a distance of 33.24 feet to a point for a corner;

THENCE: South 55° 10′ 50" West a distance of 95.00 feet to a point for a corner;

THENCE: a corner; North 34° 49′ 10" West a distance of 136.86 feet to a point for a corner;

THENCE: North 55° 20′ 18" East a distance of 146.70 feet to a point for a corner;

THENCE: North 35° 23′ 13" West a distance of 72.57 feet to a point for a corner;

THENCE: North 33° 47′ 10" East a distance of 259.02 feet to a point for a corner;

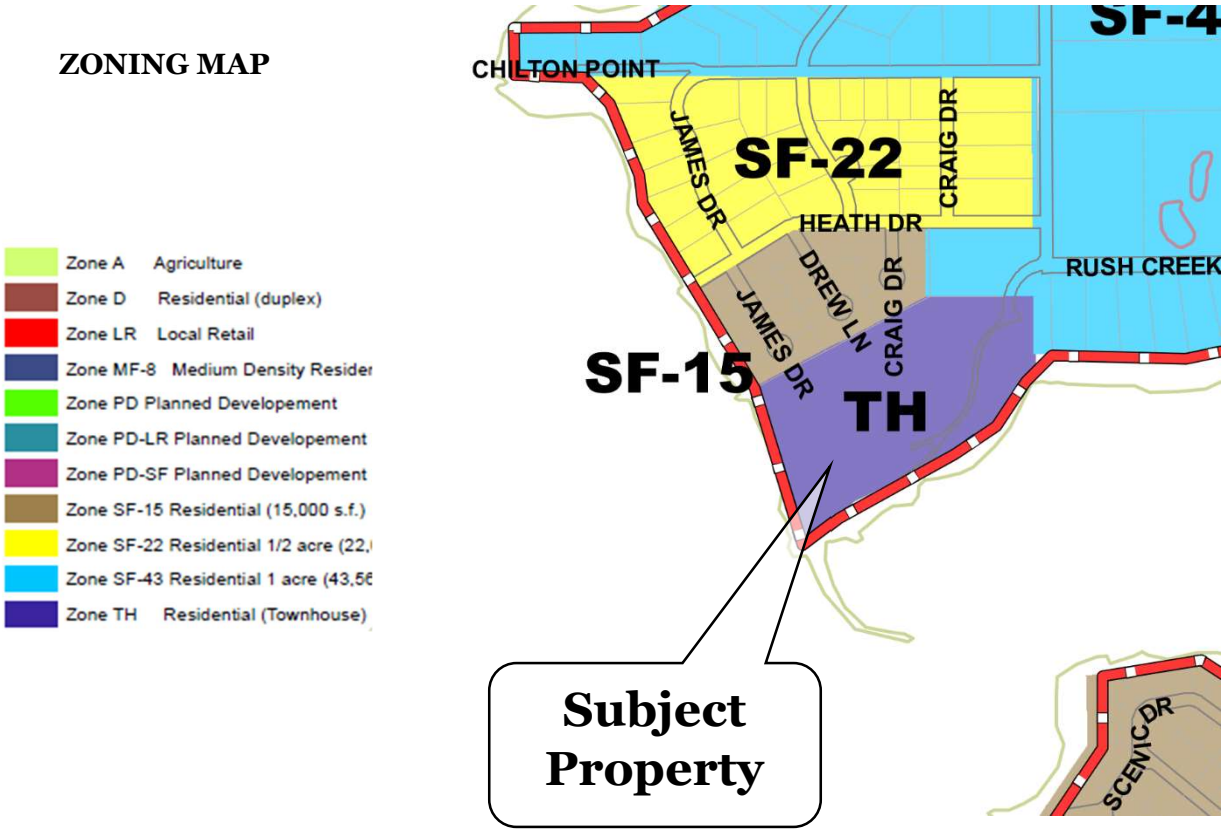
THENCE: North 62° 47′ 10" East a distance of 85.00 feet to a point for a corner;

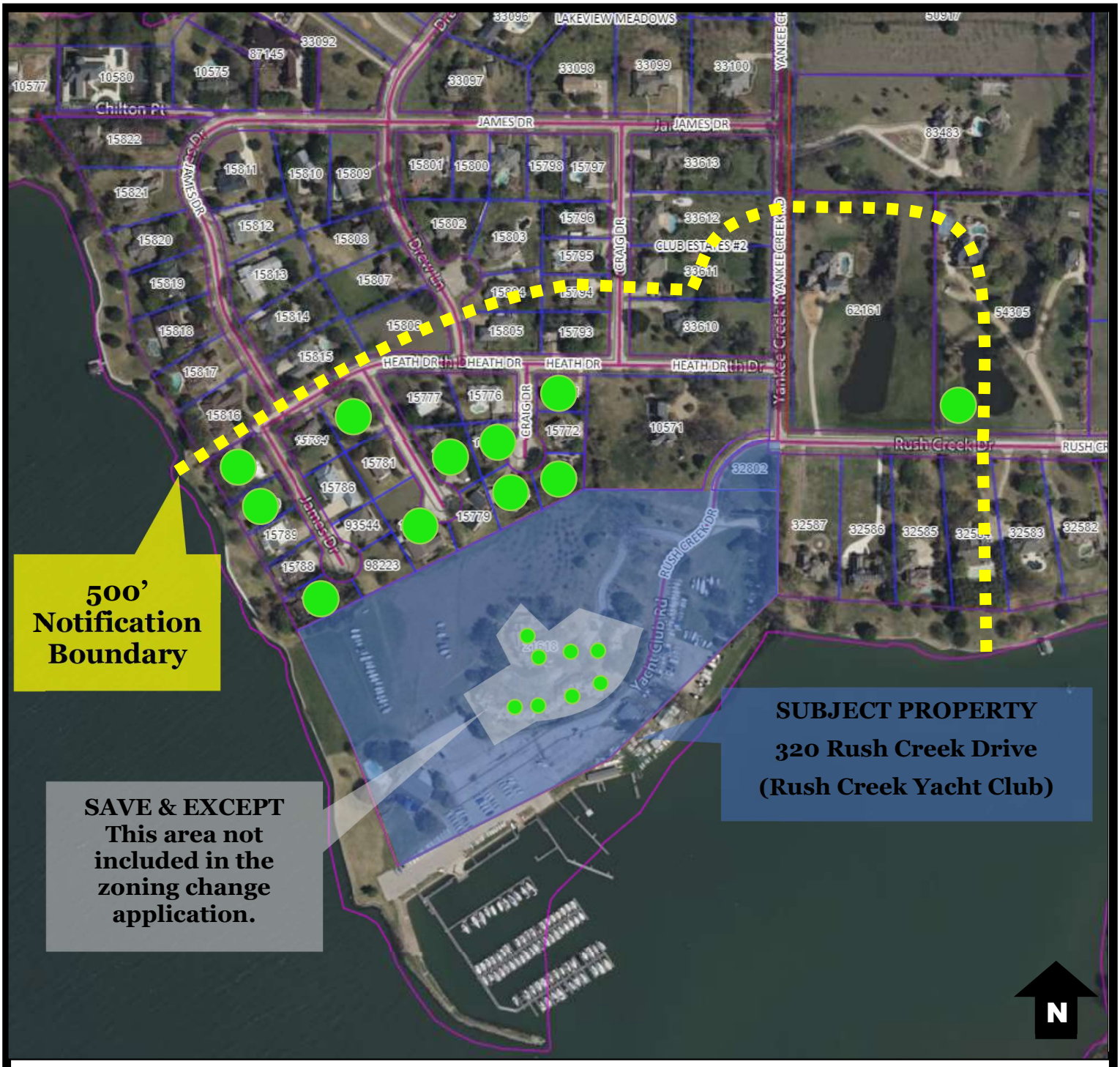
THENCE: North 89° 57′ 10" East a distance of 197.49 feet to the Place of Beginning and Containing 3.02 Acres of land.

FUTURE LAND USE MAP – Comprehensive Plan 2018



ZONING MAP





In Favor: Not in Favor:

VICINITY MAP

(Not to scale)

Case No. ZA-2023-02:

Conduct a Public Hearing and act on an Ordinance to change the zoning classification from (TH) Townhouse Residential District to a (PD-A) Planned Development District for Agricultural and Private Recreation Uses for a portion of approximately 13.78 acres of land addressed as 320 Rush Creek Drive described further as a part of Cary Cobb Survey, Abstract No. 63, First Tract, Seventh Tract, and Eighth Tract, City of Heath, Rockwall County, Texas and developed as the Rush Creek Yacht Club. The application does not seek a zoning change for 1.88 acres developed as townhomes within the boundaries of the subject property.

(Rockwall CAD ID No. 21618 and 32802)

Rush Creek Yacht Club Planned Development (ZA-2023-02)

To Aaron Adel and City Staff,

Please accept this as our official response to the comments we received from staff. Attached is the revised ordinance, site plan, and survey. Additionally, we have received multiple letters of support from various members of the community that have been included. If you have any questions do not hesitate to reach out to me. Thank you all for your assistance in our pursuit of trying to protect this property from future development into anything contrary to the Rush Creek Yacht Club.

Sincerely,

Trenton Robertson, AICP

Response to City Comments in red

1. **(I)** This Planned Development will be reviewed by Planning and Zoning Commission and City Council on the following schedule. **The owner/applicant and/or their representative should attend the following meetings:**

   - Planning and Zoning Commission meeting: June 6, 2023 @ 6:30pm
   - City Council meeting: June 27, 2023 @ 6:30pm **AA**

2. **(I)** Current Zoning: (TH) Townhouse District **AA**

3. **(I)** Requested Zoning Change: Planned Development for (A) Agricultural and Private Yacht Club Recreational Uses. **AA**

4. **(R)** Explain the difference between the 10.757 acres indicated in the land records of Rockwall CAD for Tract No. 21618 plus 0.353 for Tract No. 32802 and the 13.78 acres described in the application and draft ordinance. Visually, it appears as though the townhouse tract should be subtracted from the 10.757 + 0.353 acres. What is the origin of the 13.78 ac measurement? **AA**

   Response: The 10.757 acres the land records show excludes the townhouses/condos. The total area that we are rezoning is accurate in the survey and ordinance we provided that is a total of 11.9 acres. The property the townhouses/condos are located on are not a part of this request. The appraisal district is not clear on the depiction or delineation of their boundaries. Upon further research in the appraisal district records separate ownership for the condos and townhouses are listed.

5. **(R)** Explain the ownership of the townhomes. If the townhomes are individually owned, provide a mailing list by Wednesday, May 24, 2023 so the City can mail them each a Notice of Public Hearing. **AA**

   Response: The condos themselves are individually owned. Mailing list was sent to staff on 5/23/23.



6. **(R)** Exhibit C, Item A: Add a list of prohibited uses to include **AA**:

    a. Farming, ranching, and related activities
    b. single-family dwellings
    c. duplex or multi-family residential
    d. Home occupations
    e. Facilities for the raising of animals
    f. Wholesale nursery

    Response: We are fine with adding these uses. However, we do not want to exclude the caretaker facilities and keep that as a use permitted by right. Ordinance has been revised to address.

7. **(R)** Exhibit C, Item A.1: Change the last sentence to the following, "Any additions, modifications, or amendments to the Site Plan shall be reviewed by the Architectural Review Board, Planning and Zoning Commission, and City Council." **AA**

    Response: This would require any change to go back through the public hearing process? Is there any sort of compromise? We are worried that any additional change such as the addition of a shed would require a new public hearing process.

8. **(R)** Exhibit C, Item A.2: 80 % developed coverage seems excessive. **LP** Please change to 35% to maintain coverage similar to residential development. **AA**

    Response: Changed this to 45%. Due to the amount of parking and possible future expansion (i.e. new clubhouse). This has been revised in the ordinance.

9. **(R)** Exhibit C, Item A.3: To the end of this sentence, add, "as of the effective date of this Ordinance." **AA**

    Response: Revised ordinance.

10. **(R)** Exhibit C, Item A.4: Add, "Minimum setbacks shall be: **AA**

    a. Front setback: 50 feet
    b. Rear setback: 25 feet
    c. Side setback: 20 feet

    Response: Revised ordinance. Our only concern is that we have been given permission by the army corp of engineers to place things within the takeline on the property (which has been done for years). How will this be taken into account?

11. **(R)** Exhibit C, Item A.5: Edit to, "The maximum height of any new building or structure shall not exceed 25 feet. Any structure over 25' shall require a Conditional Use Permit." This height is more consistent with non-residential district area regulations. **AA**

    Response: Due to the location of the property and line of site we feel this will have no impact on the surrounding properties outside of the townhouses/condos that are located within the grounds. Also,

we feel this will have no impact on the townhouses or condos, because each owner has to be a member of the club and will knowingly enter into an agreement. We will add language in the ordinance that additional height can be approved via the site plan approval process.

12. **(R)** Exhibit C, Item A.6: Edit to, "The lighting must comply with the City's current lighting ordinance, Chapter 98 https://codelibrary.amlegal.com/codes/heathtx/Chapter 98 Outdoor Lighting Dark Sky Ordinance **AA**
    Response: Noted. Revised.

13. **(R)** Exhibit C, Item A.7 : Edit the 2nd sentence to, "All new parking must conform to the Heath Code of Ordinances, Sections 159.60 - 159.68."
    Response: Revised.

14. **(R)** Note the following photos that depict parking that does not comply with the city's parking ordinance. Parking of vehicles, boats and trailers is not permitted on unimproved surfaces or in the take-line area. **LP** Please be prepared to address questions from the commission and council about plans to bring this situation into conformance. **AA**
    Response: These areas have had parking in this manner since the club started. Is there a way we can write into the ordinance that these areas cannot expand in size and no new area may be permitted? These areas have been utilized since 1969 and should be grandfathered or considered a legal non conforming.







CITY OF HEATH, TEXAS
ORDINANCE NO. ??????

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 159, "ZONING" OF THE CODE OF ORDINANCES AND AMENDING THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM (TH) TOWNHOUSE RESIDENTIAL DISTRICT TO A PLANNED DEVELOPMENT (PD-A) DISTRICT FOR (A) AGRICULTURAL AND RECREATIONAL USES, WITH ADDITIONAL CONDITIONS ESTABLISHED HEREIN, FOR 13.78± ACRES OF LAND ON THREE TRACTS ADDRESSED AS 320 RUSH CREEK DRIVE AND REFERENCED AS ROCKWALL COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID 21618, CITY OF HEATH, ROCKWALL COUNTY, TEXAS (THE PROPERTY); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS an application was submitted to change the zoning from (TH) Townhouse Residential District to a Planned Development (PD-A) District for (A) Agricultural and Recreational Uses, with additional conditions established herein, for Tracts 1 and 3 located within 13.78± acres of land on three tracts addressed as 320 Rush Creek Drive and referenced as Rockwall County Central Appraisal District Property Id 21618, City of Heath, Rockwall County, Texas (The Property); and

WHEREAS the application does not seek a zoning change with respect to Tract 2 located within 13.78± acres of land on three tracts addressed as 320 Rush Creek Drive and referenced as Rockwall County Central Appraisal District Property Id 21618, City of Heath, Rockwall County, Texas (The RCCA Property); and

WHEREAS, the Planning and Zoning Commission of the City of Heath and the City Council of the City of Heath, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Heath is of the opinion and finds that said changes should be granted;

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

Section 1. **Incorporation of Premises.** All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. **Amendment**. The Zoning Classification for and the Zoning Map depicting the property, described more specifically in "Exhibit A", the "Property", a copy of which is attached hereto and incorporated herein, are hereby amended to reflect the change in zoning for the Property to (PD) Planned Development District for Agricultural and Recreational uses.

Section 3. **Site Plan and Development Standards.** That development of the Property described in Exhibit "A" shall be in accordance with the Site Plan attached hereto and incorporated herein as Exhibit "B" and the Development Standards, attached hereto and incorporated herein by reference as Exhibit "C".

Section 4. Cumulative Repealer. This Ordinance shall be cumulative of all other Ordinances of the City and shall not repeal any of the provisions of such Ordinances, whether such Ordinances are codified or uncodified, except for those instances where there are direct conflicts with the provisions of this Ordinance. Chapter 159, Zoning of the City of Heath Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. Severability. If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of Chapter 159, Zoning of the City of Heath Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 6. **Penalty.** Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Heath, Texas, shall he punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED, AND ADOPTED on this the ???? day of ?????????? 2023.

CITY OF HEATH
ORDINANCE NO.
"EXHIBIT A" - LEGAL DESCRIPTION AND SURVEY

TRACT #1

BEING all that certain lot, tract or parcel of land situated in the Cary Cobb Survey, Abstract No. 63 being part of a 47 acre tract described as "First Tract", part of a 35 acre tract described as "Seventh Tract" and part of a 50 acre tract described as "Eight Tract" in General Warranty Deed from Floyd Hartman and wife, Irene Hartman, to Roscoe S. Berry and Sherman E. Berry dated June 15, 1953, and recorded in Volume 49, Page 282, Deed Records, Rockwall County, Texas (D.R.R.C.T.), being a tract of land described in deed to Rush Creek Yacht Club, recorded Volume 91, Page 478 (D.R.R.C.T.), and being more particularly described by the following metes and bounds description:

BEGINNING at a 5/8 inch iron rod found for corner in the Northeast line of Lake Ray Hubbard, at the South corner of Lot 20 of Club Estates - Installment No. 1, an Addition to the City of Heath, Rockwall County Texas, according to the Plat thereof recorded in Cabinet A, Slide 120, Plat Record, Rockwall County, Texas (P.R.R.C.T.), being the West corner of said Rush Creek Yacht Club tract;

THENCE North 62 deg. 56 min. 53 sec. East, passing at a distance of 173.21 feet a 1/2 inch iron rod found for corner at the South corner of Lot 19 of said Club Estates, an continuing for a total distance of 782.62 feet to a 3/8 inch iron rod found for corner at the East corner of Lot 3 of said Club Estates, at the Southwest corner of a tract of land known as Tract "A" described in deed to Zack M. Troxel, Jr., and Kathleen Ann Troxel, recorded in Volume 2044, Page 42 (D.R.R.C.T.);

THENCE South 89 deg. 55 min. 30 sec. East, a distance of 469.54 feet to a 1/2 inch iron rod found for corner in the West line of Yankee Creek Road, at the Southeast corner of a tract of land described in deed to Rush Creek Yacht Club, recorded in Volume 520, Page 257 (D.R.R.C.T.);

THENCE South 00 deg. 15 min. 27 sec. West, a distance of 239.33 feet to a brass monument found for corner at the Southwest corner of Lot 18, Block B, Anchor Bay - Phase Three, an Addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 65 (P.R.R.C.T.);

THENCE North 86 deg. 24 min. 45 sec. West, a distance of 154.19 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 17 deg. 33 min. 23 sec. West, a distance of 256.90 feet to a point for corner;

THENCE South 43 deg. 55 min. 33 sec. West, a distance of 156.65 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 66 deg. 20 min. 33 sec. West, a distance of 205.00 feet to a magnail set for corner;

THENCE South 49 deg. 37 min. 03 sec. West, a distance of 359.00 feet to a magnail set for corner;

THENCE South 67 deg. 33 min. 03 sec. West, a distance of 145.70 feet to a magnail set for corner;

THENCE North 18 deg. 24 min. 57 sec. West, a distance of 463.90 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 27 deg. 03 min. 07 sec. West, a distance of 182.42 feet to the PLACE OF BEGINNING and containing 600,308 square feet or 13.78 acres of land.

CITY OF HEATH
ORDINANCE NO.
"EXHIBIT A" - LEGAL DESCRIPTION AND SURVEY

TRACT #2 (SAVE & EXCEPT)

BEING all of the General Common Elements and Limited Common Elements upon, across and over a called 1.88 acres of land situated in the City of Heath, Texas, and being out of the Cary Cobb Survey, Abstract No. 63 as described in a lease from Grantor to Grantee, also shown on drawing as Tract #1, in the Condominium Declaration for Rush Creek Condominium, recorded in Volume 1, Page 1 of the Condominium Records of Rockwall County, Texas together with all utility easements and road easements over and across Grantor's lands which are pertinent to the use of said 1.88 acres of land and being part of a 47 acre tract described as "First Tract", part of a 35 acre tract described as "Seventh Tract" and part of a 50 acre tract described as "Eight Tract" in General Warranty Deed from Floyd Hartman and wife, Irene Hartman, to Roscoe S. Berry and Sherman E. Berry dated June 15, 1953, and recorded in Volume 49, Page 282, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at 1/2 inch yellow-capped iron rod set for corner at the Easterly Southeast corner of a 25 foot wide Access Easement, recorded in Volume 96, Page 381, Real Property Records, Collin County, Texas (R.P.R.C.C.T.);

THENCE South 89 deg. 57 min. 07 sec. West, a distance of 243.44 feet to a point for corner;

THENCE South 30 deg. 24 min. 10 sec. West, a distance of 101.95 feet to a 1/2 inch iron rod found for corner;

THENCE South 11 deg. 15 min. 54 sec. West, a distance of 114.92 feet to a 1/2 inch iron rod found for corner, being the PLACE OF BEGINNING;

THENCE South 11 deg. 15 min. 54 sec. West, a distance of 100.00 feet to a 5/8 inch iron rod found for corner at the beginning of a curve to the right having a central angle of 42 deg. 44 min. 48 sec., a radius of 225.00 feet, and a chord bearing and distance of South 38 deg. 55 min. 54 sec. West, 164.00 feet;

THENCE Southwesterly along said curve to the right an arc distance of 167.87 feet to a 1/2 inch yellow-capped iron rod set for corner from which a 1/2 inch iron rod found for reference bears North 88 deg. 58 min. 50 sec. West, a distance of 4.19 feet;

THENCE South 81 deg. 06 min. 50 sec. West, a distance of 113.07 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 70 deg. 10 min. 53 sec. West, a distance of 33.24 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 55 deg. 10 min. 50 sec. West, a distance of 95.00 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 34 deg. 49 min. 10 sec. West, a distance of 136.86 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 55 deg. 20 min. 18 sec. East, a distance of 146.70 feet to a 60D nail found for corner;

THENCE North 35 deg. 23 min. 13 sec. West, a distance of 72.57 feet to a 1/2 inch iron rod found for corner;

THENCE North 33 deg. 47 min. 10 sec. East, a distance of 85.00 feet to a 1/2 inch yellow-capped iron rod set for corner at the Southern most South corner of said Access Easement;

THENCE South 56 deg. 12 min. 50 sec. East, a distance of 60.00 feet to a point for corner, from which a 1/2 inch iron rod found for reference bears North 36 deg. 11 min. 28 sec. East, a distance of 0.86 feet;

THENCE North 62 deg. 47 min. 10 sec. East, a distance of 103.05 feet to a point for corner from which a 1/2 inch iron rod found for reference bears South 55 deg. 51 min. 56 sec. West, a distance of 0.50 feet;

THENCE South 78 deg. 44 min. 06 sec. East, a distance of 157.32 feet to the PLACE OF BEGINNING and containing 82,011 square feet or 1.88 acres of land.

TRACT #3

BEING all that certain lot, tract or parcel of land situated in the Cary Cobb Survey, Abstract No. 63, Rockwall County, Texas, being a tract of land described in deed to Rush Creek Yacht Club, recorded in Volume 520, Page 257, Deed Records, Rockwall County, Texas (D.R.R.C.T.), and being more particularly described by the following metes and bounds description:

COMMENCING at a brass monument found for corner in the North line of Lake Ray Hubbard, at the Southwest corner of Lot 18, Block B, Anchor Bay - Phase Three, an Addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 65, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

THENCE North 00 deg. 15 min. 27 sec. West, a distance of 239.33 feet to a 1/2 inch iron rod found for corner in the West line of Yankee Creek Road, at the Northeast corner of a tract of land described in deed to Rush Creek Yacht Club, recorded Volume 91, Page 478 (D.R.R.C.T.), being the Southeast corner of said Rush Creek Yacht Club tract (Vol. 520, Pg. 257), and being the PLACE OF BEGINNING;

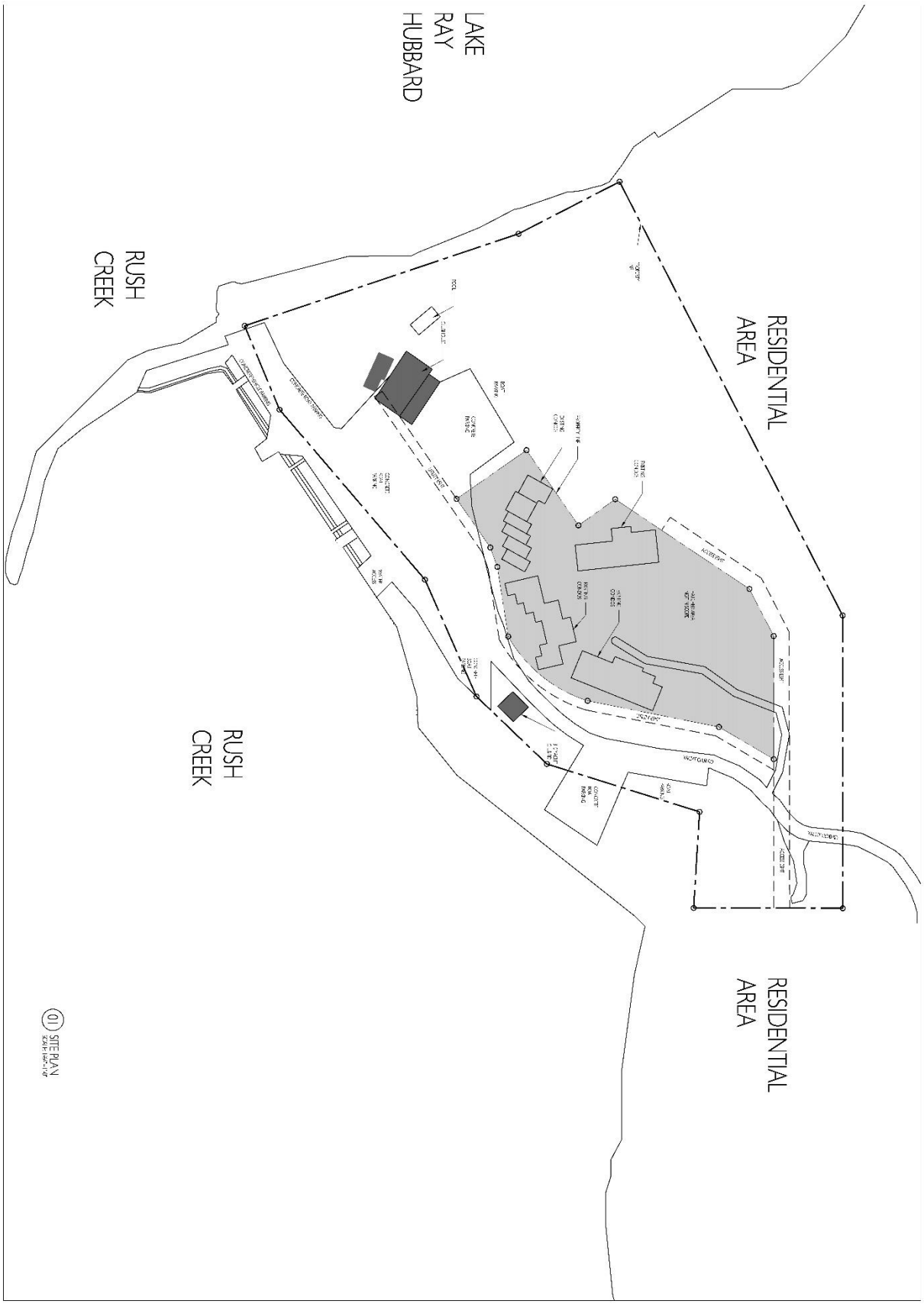
THENCE North 89 deg. 55 min. 30 sec. West, a distance of 163.36 feet to a 1/2 inch iron rod found for corner in the North line of said Rush Creek Yacht Club tract (Vol 91, Pg. 478), at the Southeast corner of a tract of land described in deed to Zack M. Troxel, Jr., and Kathleen Ann Troxel, recorded in Volume 2044, Page 42 (D.R.R.C.T.), being the beginning of a curve to the right having a central angle of 78 deg. 29 min. 36 sec., a radius of 166.50 feet, and a chord bearing and distance of North 51 deg. 06 min. 04 sec. East, 210.68 feet;

THENCE Northeasterly along said curve to the right an arc distance of 228.10 feet to an "X" set for corner in the said West line of Yankee Creek Road;

THENCE South 00 deg. 15 min. 27 sec. West, a distance of 132.51 feet to the PLACE OF BEGINNING and containing 16,230 square feet or 0.37 of an acre of land.

CITY OF HEATH
ORDINANCE NO.
“EXHIBIT A” - LEGAL DESCRIPTION AND SURVEY

CITY OF HEATH
ORDINANCE NO.
"EXHIBIT B" - SITE PLAN



CITY OF HEATH
ORDINANCE NO.
"EXHIBIT C" – DEVELOPMENT STANDARDS

A. **Permitted Uses**: In addition to the uses permitted in Agricultural (A) Zoning District, the Property may be used and developed for recreational facilities including but not limited to private and non-private yacht club and it's ancillary uses which shall include but are not limited to boat storage, boat parking, equipment storage, clubhouse, swimming pool, maintenance area, recreation area/courts/facilities, education/school, caretaker quarters subject to Section 159.20 of the Zoning Ordinance and to the following:

(1) **Prohibited Uses**: The following uses shall not be permitted. However, none of these uses shall be interpreted as a caretaker facility which shall be permitted by right.

a. Farming, ranching, and related activities
b. Single-family dwellings
c. Duplex or multi-family residential
d. Home occupations
e. Facilities for the raising of animals
f. Wholesale nursery

(2) **Site Plan**: The Property shall be used and maintained substantially in accordance with the Site Plan attached hereto as Exhibit "B" and incorporated herein by reference ("the Site Plan"). The size, number, and location of buildings, and parking areas constructed on the Property shall comply with the Site Plan. Any additions, modifications or amendments to the Site Plan shall be approved administratively.

(2) **Maximum Building/Lot Coverage**: The impervious cover developed on the Property shall not exceed 45% of the gross area of the Property.

(3) **Architectural Design and Buildings**: The exterior of all structures constructed on the Property shall be consistent with the overall design of the existing structures on the property as of the effective date of this Ordinance.

(4) **Setbacks**: All buildings and structures shall comply with the general location shown on the Site Plan; however, all new structures shall have the following setbacks except for structures within the takeline shall have no setback requirement:

a. Front Setback: 50'
b. Rear Setback: 25'
c. Side Setback(s): 20'

(5) **Height**: The maximum height of any building or structure shall not exceed three (3) stories or forty-five (45) feet, whichever is less.

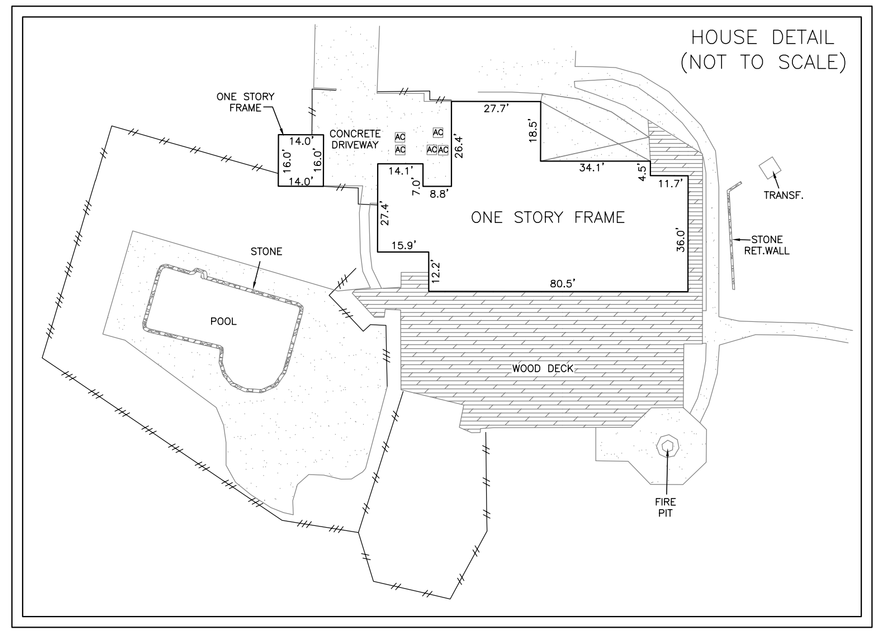
(6) **Lighting**: Unless otherwise shown on the Site Plan, all new lighting installed on the Property shall meet the City of Heath's lighting requirements.

(7) **Parking**: All required off-street parking shall be permitted in its current state as of the effective date of this Ordinance and generally conform to the location and dimensions shown on the Site Plan. All new parking shall conform to the City of Heath Code of Ordinances Section(s) 159.60 – 159.68.



LINE TABLE		
LINE	LENGTH	BEARING
L1	156.65	S43°55'33"W
L2	205.00	S66°20'33"W
L3	145.70	S67°33'03"W
L4	163.36	N89°55'30"W
L5	132.51	N00°15'27"E
L6	25.01	N00°15'27"E
L7	440.92	S89°57'10"W
L8	85.00	S62°47'10"W
L9	174.02	N33°47'10"E
L10	25.00	N56°12'50"W
L11	180.49	N33°47'10"E
L12	97.51	N62°47'10"E
L13	447.09	N89°57'10"E
L14	101.95	S30°24'10"W
L15	114.92	S11°15'54"W
L16	100.00	S11°15'54"W
L17	113.07	S81°06'50"W
L18	33.24	S70°10'53"W
L19	95.00	S55°10'50"W
L20	136.86	N34°49'10"W
L21	146.70	N55°20'18"E
L22	72.57	N35°23'13"W
L23	85.00	N33°47'10"E
L24	60.00	S56°12'50"E
L25	103.05	N62°47'10"E
L26	157.32	S78°44'06"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CH. BEAR. & DIST.
C1	228.10	166.50	D=78°29'36"	N 51°06'04" E–210.68'
C2	167.87	225.00	D=42°44'48"	S 38°55'54" W–164.00'



TITLE AND ABSTRACTING WORK FURNISHED BY LAWYERS TITLE

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR RUSH CREEK YACHT CLUB
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THERE RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.



TRACT #1

BEING all that certain lot, tract or parcel of land situated in the Cary Cobb Survey, Abstract No. 63 being part of a 47 acre tract described as "First Tract", part of a 35 acre tract described as "Seventh Tract" and part of a 50 acre tract described as "Eight Tract" in General Warranty Deed from Floyd Hartman and wife, Irene Hartman, to Roscoe S. Berry and Sherman E. Berry dated June 15, 1953, and recorded in Volume 49, Page 282, Deed Records, Rockwall County, Texas (D.R.R.C.T.), being a tract of land described in deed to Rush Creek Yacht Club, recorded Volume 91, Page 478 (D.R.R.C.T.), and being more particularly described by the following metes and bounds description:

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THENCE North 62 deg. 56 min. 53 sec. East, passing at a distance of 173.21 feet a 1/2 inch iron rod found for corner at the South corner of Lot 19 of said Club Estates, an continuing for a total distance of 782.62 feet to a 3/8 inch iron rod found for corner at the East corner of Lot 3 of said Club Estates, at the Southwest corner of a tract of land known as Tract "A" described in deed to Zack M. Troxel, Jr., and Kathleen Ann Troxel, recorded in Volume 2044, Page 42 (D.R.R.C.T.);

THENCE South 89 deg. 55 min. 30 sec. East, a distance of 469.54 feet to a 1/2 inch iron rod found for corner in the West line of Yankee Creek Road, at the Southeast corner of a tract of land described in deed to Rush Creek Yacht Club, recorded in Volume 520, Page 257 (D.R.R.C.T.);

THENCE South 00 deg. 15 min. 27 sec. West, a distance of 239.33 feet to a brass monument found for corner at the Southwest corner of Lot 18, Block B, Anchor Bay – Phase Three, an Addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 65 (P.R.R.C.T.);

THENCE North 86 deg. 24 min. 45 sec. West, a distance of 154.19 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE South 17 deg. 33 min. 23 sec. West, a distance of 256.90 feet to a point for corner;

THENCE South 43 deg. 55 min. 33 sec. West, a distance of 156.65 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE South 66 deg. 20 min. 33 sec. West, a distance of 205.00 feet to a magnail set for corner;

THENCE South 49 deg. 37 min. 03 sec. West, a distance of 359.00 feet to a magnail set for corner;

THENCE South 67 deg. 33 min. 03 sec. West, a distance of 145.70 feet to a magnail set for corner;

THENCE North 18 deg. 24 min. 57 sec. West, a distance of 463.90 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE North 27 deg. 03 min. 07 sec. West, a distance of 182.42 feet to the PLACE OF BEGINNING and containing 600,308 square feet or 13.78 acres of land.

TRACT #2 (SAVE & EXCEPT)

BEING all of the General Common Elements and Limited Common Elements upon, across and over a called 1.88 acres of land situated in the City of Heath, Texas, and being out of the Cary Cobb Survey, Abstract No. 63 as described in a lease from Grantor to Grantee, also shown on drawing as Tract #1, in the Condominium Declaration for Rush Creek Condominium, recorded in Volume 1, Page 1 of the Condominium Records of Rockwall County, Texas together with all utility easements and road easements over and across Grantor's lands which are pertinent to the use of said 1.88 acres of land and being part of a 47 acre tract described as "First Tract", part of a 35 acre tract described as "Seventh Tract" and part of a 50 acre tract described as "Eight Tract" in General Warranty Deed from Floyd Hartman and wife, Irene Hartman, to Roscoe S. Berry and Sherman E. Berry dated June 15, 1953, and recorded in Volume 49, Page 282, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at 1/2 inch yellow–capped iron rod set for corner at the Easterly Southeast corner of a 25 foot wide Access Easement, recorded in Volume 96, Page 381, Real Property Records, Collin County, Texas (R.P.R.C.C.T.);

THENCE South 89 deg. 57 min. 07 sec. West, a distance of 243.44 feet to a point for corner;

THENCE South 30 deg. 24 min. 10 sec. West, a distance of 101.95 feet to a 1/2 inch iron rod found for corner;

THENCE South 11 deg. 15 min. 54 sec. West, a distance of 114.92 feet to a 1/2 inch iron rod found for corner, being the PLACE OF BEGINNING;

THENCE South 11 deg. 15 min. 54 sec. West, a distance of 100.00 feet to a 5/8 inch iron rod found for corner at the beginning of a curve to the right having a central angle of 42 deg. 44 min. 48 sec., a radius of 225.00 feet, and a chord bearing and distance of South 38 deg. 55 min. 54 sec. West, 164.00 feet;

THENCE Southwesterly along said curve to the right an arc distance of 167.87 feet to a 1/2 inch yellow–capped iron rod set for corner from which a 1/2 inch iron rod found for reference bears North 88 deg. 58 min. 50 sec. West, a distance of 4.19 feet;

THENCE South 81 deg. 06 min. 50 sec. West, a distance of 113.07 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE South 70 deg. 10 min. 53 sec. West, a distance of 33.24 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE South 55 deg. 10 min. 50 sec. West, a distance of 95.00 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE North 34 deg. 49 min. 10 sec. West, a distance of 136.86 feet to a 1/2 inch yellow–capped iron rod set for corner;

THENCE North 55 deg. 20 min. 18 sec. East, a distance of 146.70 feet to a 60D nail found for corner;

THENCE North 35 deg. 23 min. 13 sec. West, a distance of 72.57 feet to a 1/2 inch iron rod found for corner;

THENCE North 33 deg. 47 min. 10 sec. East, a distance of 85.00 feet to a 1/2 inch yellow–capped iron rod set for corner at the Southern most South corner of said Access Easement;

THENCE South 56 deg. 12 min. 50 sec. East, a distance of 60.00 feet to a point for corner, from which a 1/2 inch iron rod found for reference bears North 36 deg. 11 min. 28 sec. East, a distance of 0.86 feet;

THENCE North 62 deg. 47 min. 10 sec. East, a distance of 103.05 feet to a point for corner from which a 1/2 inch iron rod found for reference bears South 55 deg. 51 min. 56 sec. West, a distance of 0.50 feet;

THENCE South 78 deg. 44 min. 06 sec. East, a distance of 157.32 feet to the PLACE OF BEGINNING and containing 82,011 square feet or 1.88 acres of land.

TRACT #3

BEING all that certain lot, tract or parcel of land situated in the Cary Cobb Survey, Abstract No. 63, Rockwall County, Texas, being a tract of land described in deed to Rush Creek Yacht Club, recorded in Volume 520, Page 257, Deed Records, Rockwall County, Texas (D.R.R.C.T.), and being more particularly described by the following metes and bounds description:

COMMENCING at a brass monument found for corner in the North line of Lake Ray Hubbard, at the Southwest corner of Lot 18, Block B, Anchor Bay – Phase Three, an Addition to the City of Heath, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet C, Slide 65, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

THENCE North 00 deg. 15 min. 27 sec. West, a distance of 239.33 feet to a 1/2 inch iron rod found for corner in the West line of Yankee Creek Road, at the Northeast corner of a tract of land described in deed to Rush Creek Yacht Club, recorded Volume 91, Page 478 (D.R.R.C.T.), being the Southeast corner of said Rush Creek Yacht Club tract (Vol. 520, Pg. 257), and being the PLACE OF BEGINNING;

THENCE North 89 deg. 55 min. 30 sec. West, a distance of 163.36 feet to a 1/2 inch iron rod found for corner in the North line of said Rush Creek Yacht Club tract (Vol 91, Pg. 478), at the Southeast corner of a tract of land described in deed to Zack M. Troxel, Jr., and Kathleen Ann Troxel, recorded in Volume 2044, Page 42 (D.R.R.C.T.), being the beginning of a curve to the right having a central angle of 78 deg. 29 min. 36 sec., a radius of 166.50 feet, and a chord bearing and distance of North 51 deg. 06 min. 04 sec. East, 210.68 feet;

THENCE Northeasterly along said curve to the right an arc distance of 228.10 feet to an "X" set for corner in the said West line of Yankee Creek Road;

THENCE South 00 deg. 15 min. 27 sec. West, a distance of 132.51 feet to the PLACE OF BEGINNING and containing 16,230 square feet or 0.37 of an acre of land.

PROPERTY SUBJECT TO EASEMENTS & RESTRICTIONS VOL. 1826, PG. 21; VOL. 548, PG. 245;

ACCEPTED BY: _____

LEGEND

WOOD FENCE —//— IRON FENCE —///—
CHAIN LINK —O— WIRE FENCE —X—
BOUNDARY LINE
EASEMENT SETBACK
CM – CONTROLLING MONUMENT
MRD – MONUMENTS OF RECORD DIGNITY
○ 1/2" IRON ROD FOUND
○ 1/2" YELLOW–CAPPED IRON ROD SET
□ SET "X" □ POINT FOR CORNER
○ 3/8" IRON ROD FOUND
○ 5/8" IRON ROD FOUND ⊠ – BRASS MON.
◎ MAGNAIL SET ▲ – 60D NAIL
Ⓒ – CABLE Ⓔ – ELECTRIC
⊙ – CLEAN OUT PE – POOL EQUIP
Ⓖ – GAS METER ⊕ – POWER POLE
– FIRE HYDRANT Ⓣ – TELEPHONE
Ⓛ – LIGHT POLE Ⓦ – WATER METER
Ⓜ – MANHOLE Ⓥ – WATER VALVE
(UNLESS OTHERWISE NOTED)

SURVEY PLAT

1529 E I–30, STE. 103
GARLAND, TEXAS 75043

FIRM REGISTRATION NO. 10194366

BURNS SURVEYING

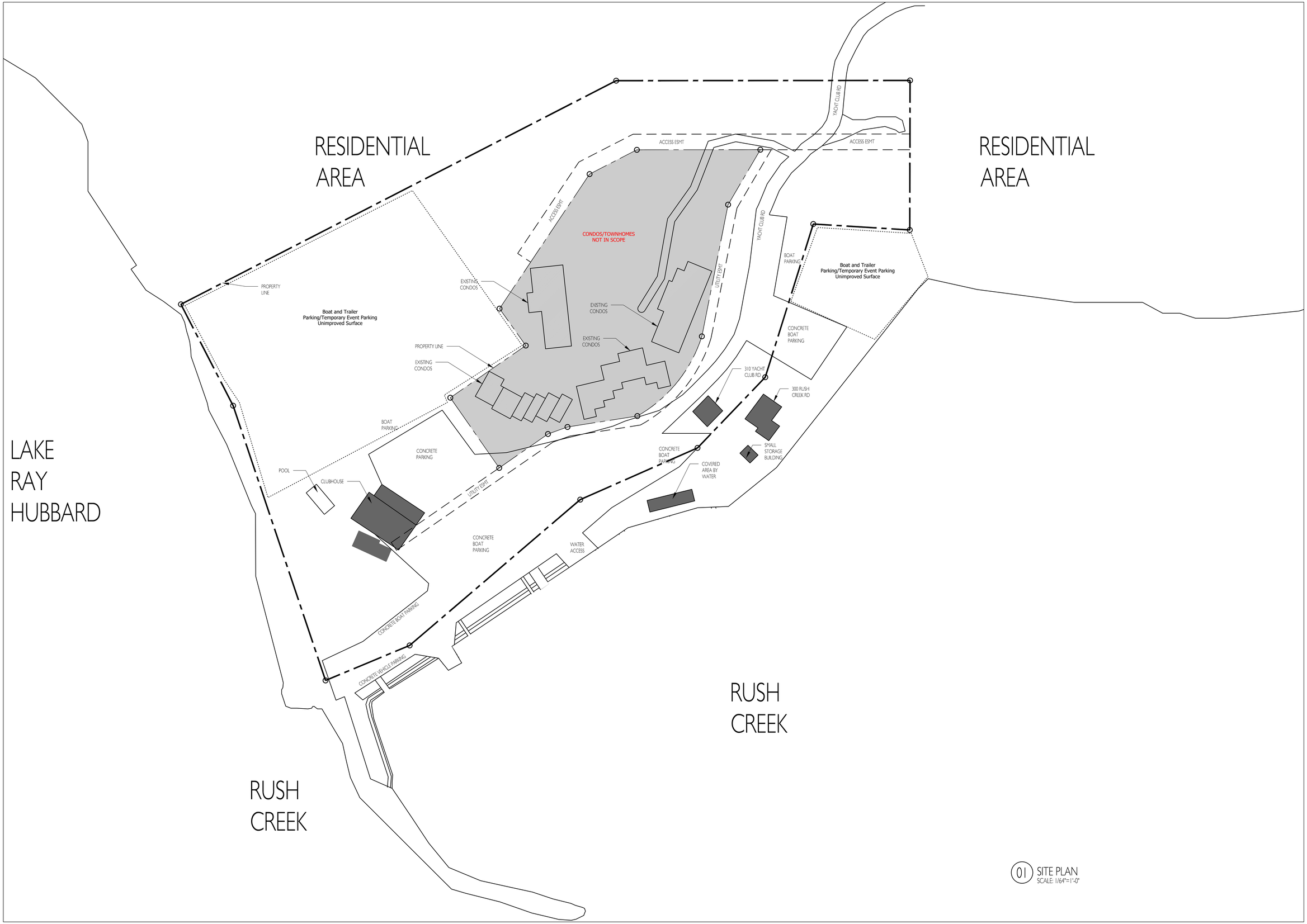
BARRY S. RHODES Registered Professional Land Surveyor (214) 326–1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 320 RUSH CREEK DRIVE in the City of HEATH Texas

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated.

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

STATE OF TEXAS REGISTERED BARRY S. RHODES 3691 PROFESSIONAL LAND SURVEYOR

Scale: 1" = 100'
Date: 02–22–2023
G. F. No.: 1901422300001
Job no.: 202300719
Drawn by: BM



01 SITE PLAN
SCALE: 1/64"=1'-0"

RUSH CREEK YACHT CLUB

320 RUSH CREEK DR
HEATH, TX

REVISIONS:

12.27.22

SITE PLAN

A0.00