



AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY, APRIL 18, 2023
1371 WEST FM 550 - McLendon-Chisholm, Texas 75032
7:00 PM

	Page
1. CALL TO ORDER	
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS	
3. CITIZEN COMMENTS	
4. APPROVAL OF MINUTES	
4.1. Consider approval of the Minutes of the March 21, 2023 Planning & Zoning Meeting Minutes 03.21.23	3 - 24
5. ITEMS FOR CONSIDERATION AND ACTION	
5.1. Discussion and action regarding approval of the application of MC Trilogy Texas, LLC, requesting initial zoning of "PD" Planned Development District and updating the Comprehensive Plan and Zoning Map for two tracts of land to be annexed into the City of McLendon-Chisholm: an approximately 441.818 acre tract of land and an approximately 133.325 acre tract of land generally located north of FM 550 and east and west of Pullen Road and situated in the J. Simons Survey, Abstract No. 202, the W.W. Ford Survey, Abstract No. 80, and the A. Rodriguez Survey, Abstract No. 231, in Rockwall County, Texas, identified by county ID numbers 115324 and 115325, and also being a portion of the property described in a deed to Hodges Ranch Partners, Ltd., as recorded in Volume 3828, Page 322 as Document Number 00319510 in the Official Public Records of Rockwall County, Texas. Zoning of the subject property will amend the official Zoning Map of the City of McLendon-Chisholm. Staff recommendation Zoning Application Zoning Ordinance	25 - 86
5.2. Consider recommendation to the City Council of a Specific Use Permit for a restaurant to be located on a 1.5-acre tract in the King Latham Survey, Rockwall CAD Property ID 101321, generally located South of the intersection of FM 550 and State Highway 205, McLendon-Chisholm, Texas 75032. Application Staff Recommendation	87 - 100

- 5.3. A public hearing to consider the application of Oak National Development, LLC regarding a request to change the existing zoning district on approximately 148.25 acres from the current zoning district classification of Planned Development District(Triple Creek) to a new Planned Development District (Legacy Park Estates) containing 335 single-family residential lots and a city park. The Rockwall Central Appraisal District Property Identification numbers are 11447 and 11438. (To be tabled until the Planning & Zoning Commission on May 16, 2023 and the City Council on May 23, 2023 as requested by the applicant.)
- 5.4. Discussion and action regarding approval of the application of Oak National Development, LLC. regarding a request to change the existing zoning district on approximately 148.25 acres of land from the current zoning district of Planned Development District (Triple Creek) to a new Planned Development District (Legacy Park Estates) containing 335 single-family residential lots and a city park. The Rockwall Central Appraisal District Property identification numbers are 11447 and 11438. 101 - 105
[Application](#)
[Legal Description](#)
[Locater Map](#)
- 5.5. Discussion and action regarding the requested approval of a final plat for the Bear Point subdivision of a 9.78 acre tract of land located on Dowell Road, north of the intersection of FM 550, in the City of McLendon-Chisholm Extraterritorial Jurisdiction. 106 - 111
[Application](#)
[Staff Recommendation](#)

6. ADJOURN

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

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the Planning & Zoning Commission of McLendon-Chisholm, Texas was posted on or before 7:00 p.m., April 14, 2023 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**Planning & Zoning Commission
City of McLendon-Chisholm, Texas
Regular Meeting Minutes
Tuesday, March 21, 2023**

The Planning & Zoning Commission of the City of McLendon-Chisholm convened in Regular Session on Tuesday, March 21, 2023, at McLendon-Chisholm City Hall, 1371 W FM 550, McLendon-Chisholm, Texas, with the following members present:

Members Present:	Lesley Schwalje	Chairman
	Robert Rohde	Commissioner
	Brad Martin	Commissioner
	Mark Kipphut	Commissioner
	Daniela Swindoll	Commissioner
Staff Present:	Konrad Hildebrandt	City Administrator
	Mike Coker	City Planner

1. CALL TO ORDER

Chairperson Schwalje called the meeting to order at 7:00 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Chairperson Schwalje voiced the invocation and led the pledges.

3. CITIZEN COMMENTS

Ron LaRoux, 3401 W. FM 550, 75032. I live at the end of Pullen Road, right at the very end. It was at one time part of the Hodges family. I voted tonight and turned in my vote on the questionnaire that was sent out in the mail for those that are within 200 feet and I feel like that there's not enough infrastructure there for the high density of homes. It's an issue for traffic. I have people like when I'm turning into my driveway that passed me on a hill with the double line going 90 miles an hour because they can't wait for me to get off the freaking highway and I'm worried about all the extra cars coming and going because we're on a hill right there and you can't see the traffic that's in the dips on either side and it's a real danger already and there's no infrastructure and I have not seen plans to change that. In addition, last summer we were out of water for a day and it had to do with, I guess, the agreement with the RCH Water Supply, so I'm worried about the infrastructure there as well. And then thirdly you know with that high of density, we're going to have a lot more crime. You know, assuming that these are families, you know there might be teenagers or whatever and there's no Police Department here. So, again, an infrastructure issue and then just lastly I'll close and say this is not what we moved out this direction for. I keep moving further and further out to

pg. 1

have a good quality of life and it's just turning you know into high density neighborhoods. Thank you.

Kyle Peoples, 1370 Pullen, McLendon-Chisholm. My main concern is the drainage and the roads and all the water. We already have Alturo's, we've already graded everything and it's turning creek the opposite way it's been pulling. And then we expect Trilogy to come back this way so the water is going to meet and it's going to bust the road again too and how we're not holding any of the developers to the plans but there's Altoro comes in here and they can do whatever they want. They're not having any drainage, they're not having any ponds that are dug out to capacity, they have the ponds there but they're not dug out to capacity to where the water is actually holding what it's supposed to. So really all plans that are being presented to y'all are not what is out. All of our roads, we're not ready for all the games. We have to have a pond to go to and reservoir to go to and that's my main concern is the roads.

Bob Steinhagen, 304 Pheasant Hill Drive. Before I begin, I would like to make a point of order that the form that we signed for a request to speak states we have five minutes to speak, not three. I just want to, for this point, I would like to put on the record for the recording and for the official minutes, that at the back of the packet is a link that reads "The planned development district and supporting documents are available for you at McLendon-Chisholm City Hall. The PDD ordinance is included here, double click the icon." It is a dead icon. As all of you should already know, none of you were able to get that document. The citizens have been kept from that document. It is not disclosed prior to the meeting as required by law. It is my understanding if you're going to put an ordinance through, and I've requested one and I've been refused. Citizens and you deserve time to review that ordinance before having to make a decision on it and that is, in my opinion, a violation of Texas Open Meetings Act. Thank you very much.

4. APROVAL OF MINUTES

4.1. January 17, 2023, Planning & Zoning Minutes

MOTION: APROVE MINUTES AS PRESENTED.

MADE BY: Commissioner Rohde
SECONDED BY: Commissioner Swindoll
APPROVAL: Unanimous

5. ITEMS FOR CONSIDERATION AND ACTION

- 5.1. A public hearing on request for approval of a Special Use Permit for a restaurant to be located on a 1.5-acre tract in the King Latham Survey, Rockwall CAD Property ID 101321, generally located South of the Intersection of FM 550 and State Highway 205, McLendon-Chisholm, Texas 75032

City Planner Coker presented his staff report:

APPLICANT: Cameron Slown
TNP, Inc.
825 Watters Creek Blvd, Suite M300
Allen, Texas 75013

PROPERTY OWNER: MFS Group, LLC
2357 Jupiter Road
Plano, Texas 75074

REPRESENTATIVE: Cameron Slown

LOCATION: South quadrant of the intersection of FM 550 and State Highway 205

PLANNING AND ZONING COMMISSION MEETING DATE: March 21, 2023

REQUEST:

The applicant is requesting approval of a Specific Use Permit for a restaurant with an order ahead drive-up window and the ability to serve alcohol for on-premise consumption on a one and one-half acre tract of land located at the south corner of the intersection of FM 550 and SH 205.

STAFF RECOMMENDATION: Approval of the Specific Use Permit for a restaurant to serve alcohol for on-premise consumption **without a drive-up or Pick up window. Call ahead orders shall be picked up from designated parking spaces by way of the doorway to/from the restaurant.**

Conditions:

- Amend the site plan by removing the requested drive-up/pick up window.

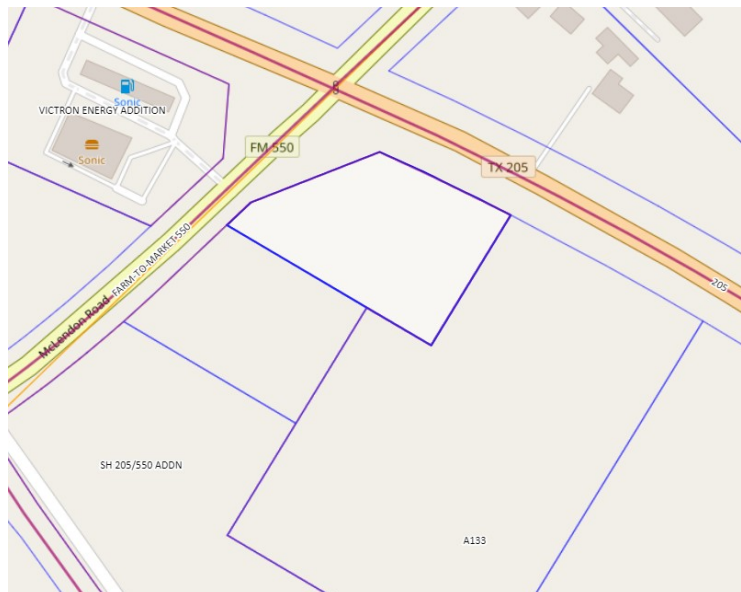
[note: full sized copies of the SUP Site Plan, are available at City Hall for inspection]

BACKGROUND INFORMATION:

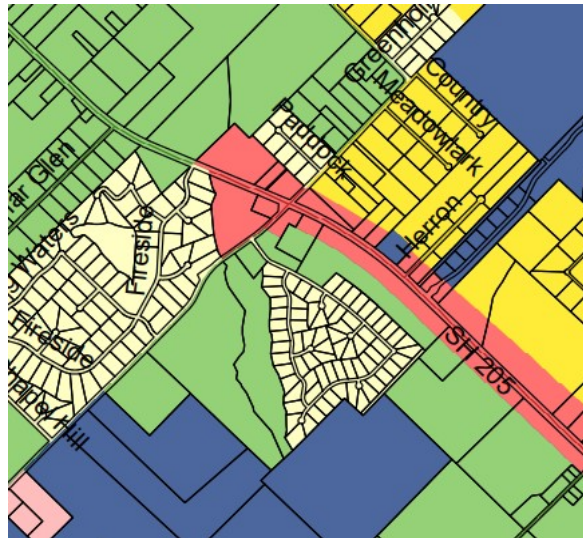
The subject property is a 1.5-acre tract of land located at the south corner of the intersection of SH 205 and FM 550. [Rockwall CAD #101321]. A specific use permit for the development of a detached drive-up restaurant. The zoning district designation for this property is GB General Business. The General Business District requires a specific use permit for a restaurant with or without alcoholic beverage service and/or with or without a drive-thru lane.

The City Council previously approved the site plan, landscape plan and elevations but denied the request for the drive-up/pick-up window, but did agree the customers could call or email ahead and pick up their orders from designated parking spaces that are accessed from the restaurant through the door but not through a window.

Rockwall CAD map showing property



City Zoning map for subject property [Red is General Business Zoning District]

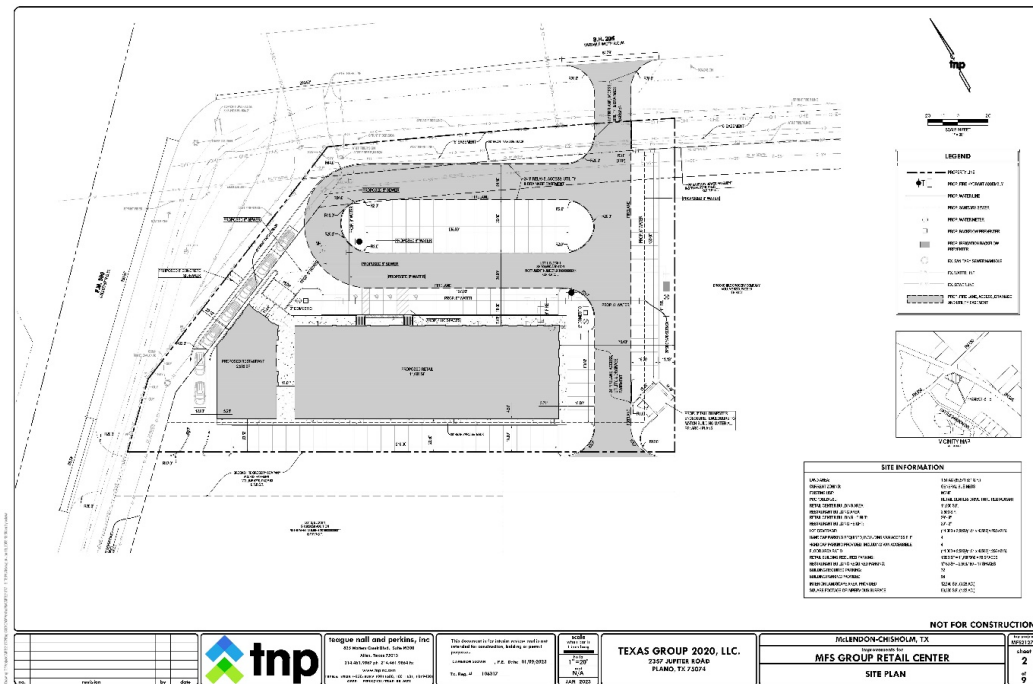


Thoroughfares/streets:

This property fronts both SH 205 and FM 550. Property dedications for the upcoming widening of SH 205 and intersection improvements with FM 550 have been provided. There is an existing access easement providing access to the subject property from FM 550 that is being constructed coincident with the development of this project. Driveway permits from TXDOT are required for the construction of the drives on FM 550 and SH 205.

Section 6-1 of the McLendon-Chisholm Zoning Ordinance prescribes the requirements for Site Plans.

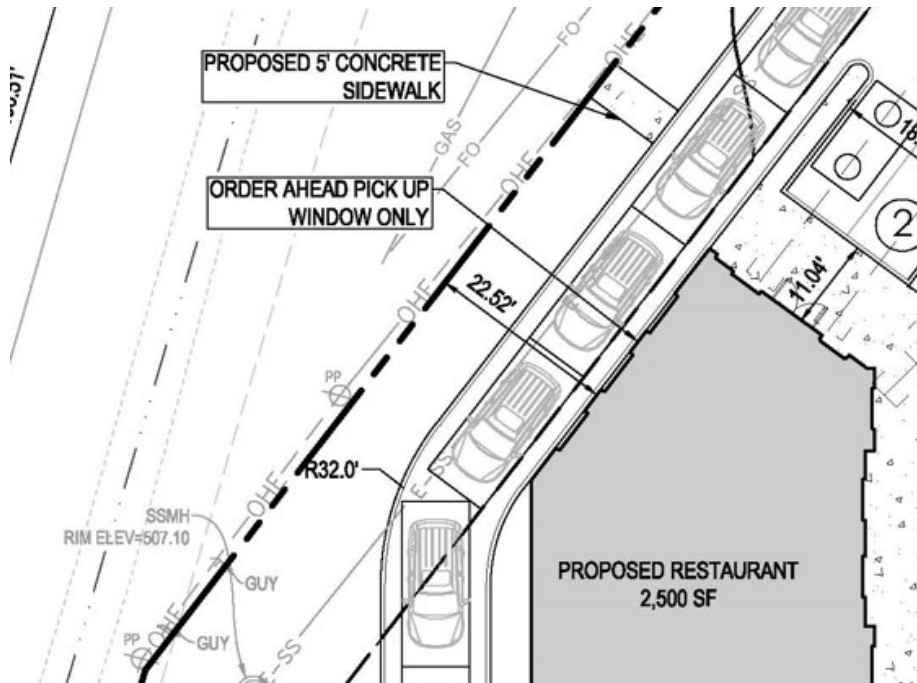
Applicant Site Plan



The site plan is consistent with the requirements of the Zoning Ordinance.

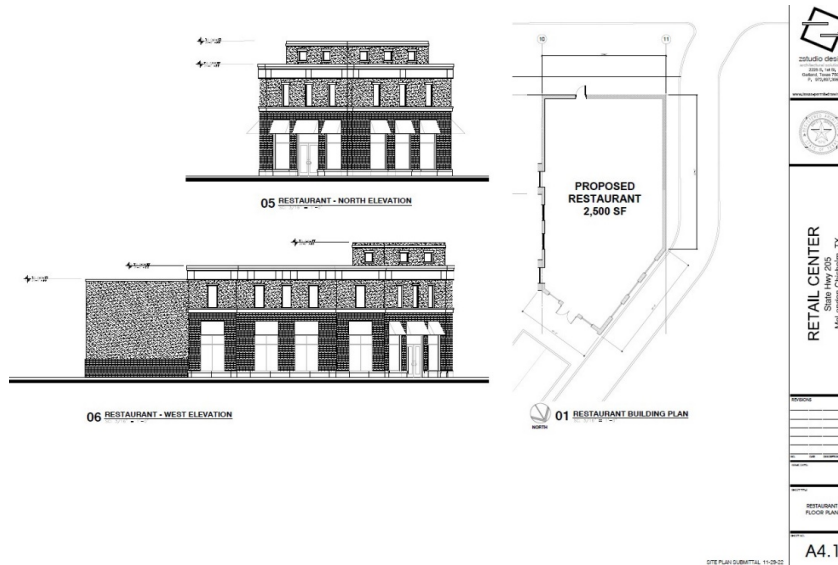
THIS AREA INTENTIONALLY LEFT BLANK

Portion of the site plan showing the requested drive-up window.

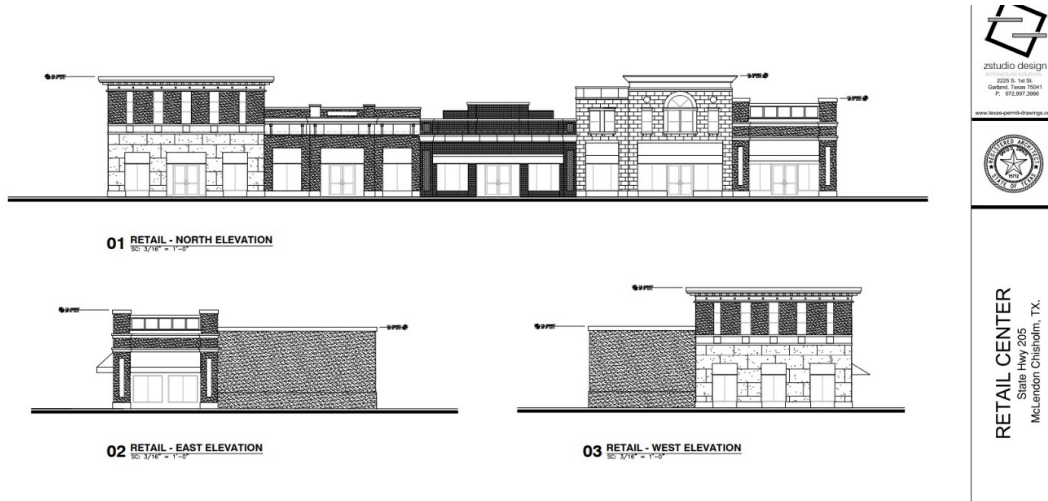


ELEVATIONS

RESTAURANT



RETAIL CENTER



City Planner Coker stated that the application they are considering is for a drive-up window and alcoholic beverages. That is what the applicant is asking for. He recommended approval of all that with the exception of the drive thru.

Chairman Schwalje opened the public hearing at 7:14 p.m.

Mohammed Polani, 2357 Jupiter Road, Plano, Texas. I am here for the project on 205 and 550 FM. This is a 13500 square foot shopping retail center with a 2500 restaurant. We are requesting you to do our drive lane convenient pickup window and also 40% of City of McLendon-Chisholm allow us to be served, for the restaurant, up to 40% of alcohol permit. Here are so many things after pandemic. Both pandemic happened, the restaurant got big loss if they do not have a driveway pickup window or drive through window, either way you can call it. We do not want the chain restaurant. We want to be a nice restaurant here in this town which is up to 2500 square foot with a nice modern caddy and also the pickup. Pickup lane give you more convenience for the customers and also the employee for the restaurant owner. We are not the restaurant owner, we're just gonna be the builder for them and we can find a good restaurant for this town, either Italian or something you know similar. I'm not sure who's going to be our tenant, but these days after pandemic everybody required a nice pickup window to be less contact with you, person to person. As we know after pandemic, a lot of employees have shortage with the employment shortage and people is not very easy to go out there and deliver the food in a parking lot because the liability issues and other issues maybe you know. So, there the window is pretty efficient to be deliver the food and less contact customer. If something happened again, like a pandemic or something comes up and the state requires you not to go out there or meet the person and then anybody can come to your window. Just you know, give them a drive lane and serve the food out

pg. 8

there. We did the study since last our drive-in got denied. Up to 27% food as a casual restaurant served by the windows. So it's a big increase for the restaurant owner and the taxpayer. Here the city collected 27 extra tax because they have that land option. Right now a lot of restaurants, they do not have this opportunity before pandemic and they are doing a lot of work with the existing restaurants if they have enough room to rebuild drive lane out there. If they don't, I don't know what they're gonna do with it. They're gonna obviously find some other way to do it with extra windows or extra parking, but right now this project it's not completed yet and we do have opportunity to build some drive lane or pick up window, or show diagrams of how that was going to work. There was mentions of certain easements with the way that road works.

Britta Jo, 256 Stevens Rd., Rockwall. I actually did attend the meeting where this happened and I do remember what the City Council was distressed about. Trudy was the one that brought it up. They said that at the beginning of the deliberations there was some concern about where the drive-through lane was going to be located based off of that turn with 550 and having Sonic directly across from it and the possibility of traffic backing up in that pickup lane that it would make it difficult. During that meeting we had no one who could really answer questions or show diagrams of how that was going to work. There was mentions of certain easements with the way that road works so it wasn't so much about the problem of having a lane because we have one in the Sonic across the street, but where that lane would be located based off of people entering and exiting off of either 550 or 205. You would have to check. As a citizen who lives around here and what he just mentioned and what I've heard from multiple people who were at that meeting, we were all very confused about why it was such a big deal, especially with the Sonic across the street, so it may make sense to go back in and provide the City Council more information on what traffic would be like based on that lane and if it really will be that much of an issue. Thank you very much.

Beverly Stibbens, 279 Partridge Drive. I too was at that City Council meeting and I agree with what Britta Jo said. My concern is more about a drive-through window, I know you're not going to order there, but they're going to be serving alcohol. Is alcohol being passed out that window? We don't know that. They haven't said. I know that they can go across the street and pick up a six pack of beer and put it in their car. But if I hand someone a mixed drink at a drive-through window, that is a little more concerning that they're going to consume it while driving that car. We know we have traffic issues already, so let's not compound them by serving alcohol at a window. The other comment I'll make. Mr. Polani stated very clearly this is not a fast-food restaurant. How many non-fast-food restaurants do you know that have a drive-up pickup window. They either have a parking space that says to go here and the staff person brings it out to you or they have a walk-up window where you can walk up yourself and get the order that you have called in. So my recommendation and my encouragement is to not allow the drive-up window. Thank you.

David Zapata, 2225 South 1st Street, Garland, Texas. I'm the architect of record for this development. My experience, I've done a lot of restaurants designed with Chili's,

Applebees, McAllister's Deli, and that concepts had not had a to-go area and now they want to convert it more into a pickup window. Right now we're working on getting some of these pickup windows because they're more efficient. They work better for them instead of having customers stop, get off, get in, get their order and come back in because a lot of these moms nowadays have their kids and their dogs or something inside they don't want to leave them inside the car. It's very very convenient for them to do that now. Granted some of these existing restaurants we can't do that only because of the site restrictions that we have but right now we're studying and some of the most profitable restaurants that may want to consider doing a pickup window. Now what we're proposing, we don't have menu boards or anything out there. All of these orders are going to be prepaid and all they have to do is just go in, pick up the order and drive off. We could also stipulate an SUP that no alcohol will be permitted to be issued out into the, through the drive-through window. That could be handled, that's no problem. We just want to give future restaurants an option, a gateway for them to be more profitable, not only for you, but for the city. You know and get the door dash, the uber-eats, and grub hubs, all of them to easily go in and make it out.

Kyle Peoples, 1370 Pullen, McLendon-Chisholm. About the drive through window, what's going to happen when an order is not ready. What is the car gonna do? Have to go into the live spot anyways and wait and turn around and drive around because there's been multiple places that I've been to, you get a text message that says your order is ready and go there and your order is not ready and you're sitting there waiting. So what's going to happen whenever you go through the drive-through and I know their plan is to probably have a set time that you have to go and pick up your order, but what if everything's not in line. So we're just going to have cars just sitting there driving around or parking or in a parking spot. That's just my concern.

Bob Steinhagen, 304 Pheasant Hill Drive. I did an entire show on this proposed restaurant or strip center and my biggest concern about it was the historical nature of what I've seen from the Polani group. I showed the other strip centers that they own. I've shown the other things that they have done. My concern about it was how poorly everything was done. When you look at what they create, it's not something that the City of McLendon-Chisholm should be proud to have. Maybe they have changed that and I want to give them the benefit of the doubt since basically this is complete. The city has paid for their water so that they can have sewer. So in light of that, what concerns me most is they're building a building and they have no idea who the occupant is going to be. That's a problem. You know I work with a lot of people and several developers, and that's the one thing that they come to the table with is this is the restaurant that we're going to have. Now if you remember, you may not, but about two years ago when this first started, this would not be a Chili's, this won't be an Applebee's. Now your architect just talked about Chili's and Applebee's. This really begs the question what exactly is going in here. It seems as though they're trying to create something that anyone can go into. A dry cleaners can fit into there. They're basically going to take whoever will rent the space. They're not looking out, in my opinion, for the citizens of McLendon-Chisholm, or our community. Now your job is a tough one because literally,

pg. 10

all you can do is whether or not you're going to allow a drive-through window and I think Mr. Rohde is right. I mean, well, Sonic has one. What's the big deal. I don't know. I don't know what's going to go in there and all of us have a lot to look forward to because your guess is as good as mine. So either way, however you vote, I don't think you can make a bad decision tonight on this because, as I said, I think a lot of this has already gone down the wayside. Thank you very much.

Chairman Schwalje closed the public hearing at 7:28 p.m.

- 5.2. Consider approval of a Specific Use Permit for a restaurant to be located on a 1.5-acre tract in the King Latham Survey, Rockwall CAD Property ID 101321, generally located South of the intersection of FM 550 and State Highway 205, McLendon-Chisholm, Texas 75032.

Commissioner Swindoll expressed her concern over the alcohol. She ask if they can say no alcohol, like somebody had mentioned, through the drive-through window if there is the drive-through window. Is that something we can add?

City Planner Coker stated that's a condition you can make.

Commissioner Swindoll stated another condition they can make is like it's not, I guess, a major retail restaurant, one that's known. Can it be something that's more a mom-and-pop store?

City Planner Coker replied you have to fit your recommendation. Your recommendation has to fit within the four corners of our zoning ordinance and it just says a restaurant, doesn't specify neighborhood national chain, just says restaurant. It's a restaurant. You can't really condition that. You can condition serving alcohol through a pickup, you can say that that's not allowed.

Commissioner Kipphut stated he would agree that the design has some inherent flaws in it that could create traffic situations unintended, not desired, but simply a higher likelihood based especially once you get cars lined up within curbs and no opportunity to fall out. The second is, I guess I want to ask the applicant, in the application there was no request for alcohol as part of the application. Is there a reason why that was not included?

Mr. Polani responded that they probably missed that part of SUP because we had a meeting on December 15th I believe, including the Brookshire, us and landowner surrounding the 38, including Rob Whittle and other articles there. And we already discussed with that so we thought this is already taken care of that part of the SUP. We did not know we need to be included with the SUP application. But the staff meeting already reported they said they already have a 40% of alcohol approval on them. But obviously we have to get approval for these.

Commissioner Kipphut asked a question for the City Administrator. We have an ordinance that authorizes on-site use or consumption of alcohol?

City Administrator Hildebrandt stated we do have an ordinance. I don't have a citation for you.

City Planner Coker stated we do have an ordinance that says that alcoholic beverage service in the restaurant may not exceed 40% of groceries. It's in our zoning.

Commissioner Kipphut stated he knows it's not a popular stance, but I'm going to go back to a discussion I had before which is, there's a specific pathway prescribed in the State Code Section 501 109. 1105.11 that allows for the citizens of a city to make a determination to permit or not permit alcohol consumption. Since this is not part of the application, I'm troubled that we're using an administrative act to circumvent the intent of state laws. Given that, I'm not comfortable approving a special use permit throughout the corner all in favor, especially these permanent permits, associated with any restaurant. There are procedural steps that should be followed for the citizens to have their voice.

City Planner Coker added that looking at the specific use permit application, it specifies for a restaurant. It doesn't say what the drive-through or drive up or for alcohol beverages. I happen to know that it requires a SUP for a restaurant and it happens to require an SUP for a restaurant if they want to have a drive-through and it requires a SUP for alcoholic beverage service. I was at the meeting in December with the Brookshires and Rob Whittle and all the rest of the folks and our City Attorney knowing full well that the intent when they applied for this SUP was to include alcoholic beverage service. As we take a look at this application, which is on page 15 of 42 of your packet, you can see that it's not specific about with alcoholic beverage service or with drive through. Those are all things that I knew were the case that have been in for your consideration. But I do respect the Commissioner's position, we do have alcoholic beverage service in the city right now.

Commissioner Kipphut inserted but not on-side consumption. Coker pointed out that you do. Commissioner Kipphut agreed that at the winery, which is one special provision carved out under state law for Texas wines only. It's a highly restricted provision created by the legislature. It's not an apple that's comparison and this is not going to be if we approve alcohol consumption. It's all forms would be utilized. One other thing, and only my reaction, was just a comment that page 19 of the application from the applicant, sells was directed at the restaurant and the drive through, but is void and/or lacks any specific requests associated. In my mind, there's a procedural shortfall. I accept these upon this explanation. I understand the meaning, but I'm resolute in my viewpoint so I want to make sure that we're opening a door that the citizens hear the most important provision on the table. That's my opposition, not to the restaurant. Candidly I have less concern about it. I understand that the economic and business dynamics that exists today, filled the need by many patrons who want to be able to pick up meals. The

pg. 12

mechanics of that I'll defer to city council. He does agree about the problem of cars backing up. He stressed that he does want economic development. He believes a restaurant would be beneficial, certainly specifically what Mr. Steinhagen said about a restaurant that reflects our community interests. He stated he would actually be willing to go back to Council and ask them to reconsider this actual window if they had the ability to manage the traffic flow.

City Planner Coker pointed out that if the recommendation of the commission is to allow alcohol sales for on-site consumption, that they must comply with all TABC. He thinks that should answer a portion of Mr. Kipphut's concerns.

Commissioner Kipphut stated it would address a certain concern, a specific concern, but not the complete concern.

Chairperson Schwalje ask if it is possible to get a City Attorney decision on this. Could we pass it or not pass it based on our recommendation but put a contingency on a ruling by the attorney whether or not there needs to be an election regarding alcohol sales.

City Planner Coker answered yes.

Commissioner Rohde stated that just looking at the information in front of him, he is almost to the point where the only special use permit that we can grant is for a restaurant. The submittal from February 14th, the lane, talking about the lane utilize your customers who will be picking up food orders. It doesn't say anything about drink orders. He thinks the SUP is too broad and I've heard the concerns about alcohol through the window, I've heard concerns about pickup lanes. Something needs to come back concerning the alcohol through the window, the drive-through in itself.

Chairperson Schwalje pointed out that their regulations require that alcohol sales require an SUP, the restaurant requires an SUP. I think these are things we have to condition and the drive-through.

Commissioner Martin asked clarification from Mr. Coker. It is his understanding when they submitted the SUP originally, they were asking for the alcohol sales and drive-through.

Mr. Coker confirmed.

Commission Martin confirmed they can be combined in one SUP. I think Commissioner Rohde is saying we could ask them to have separate SUPs

Mr. Coker stated you could ask them, but the code implies that they can be handled under one SUP where each of the conditions for approval is stated. For instance, if the recommendation was for approval of a restaurant with a pickup window and for a

pg. 13

restaurant that has alcoholic beverage for on-premise alcoholic beverage consumption, that one SUP ordinance would cover those three contingencies, the restaurant, the drive-up and the alcohol. So even if it shows us three things in our code, one SUP that covers all those issues is what the ordinance should look like.

Cameron Sloan, 825 Waters Creek, Allen, Texas. I request that we table this so we can discuss with the city attorney further about alcohol sales and some of the other concerns

MOTION: THE APPLICATION WILL BE RECONSIDERED AT THE NEXT MEETING AFTER THE APPLICANT HAS AN OPPORTUNITY TO REVIEW THESE ISSUES RAISED TONIGHT WITH THE APPROPRIATE MEMBERS OF CITY STAFF.

MADE BY: Commissioner Kipphut
SECONDED BY: Commissioner Rohde
APPROVAL: Unanimous

5.3. A public hearing to consider the application of MC Trilogy Texas, LLC, requesting initial zoning of "PD" Planned Development District and updating the Comprehensive Plan and Zoning Map for two tracts of property to be annexed into the City of McLendon-Chisholm: an approximately 441.818 acre tract of land and an approximately 133.325 acre tract of land generally located north of FM 550 and east and west of Pullen Road and situated in the J. Simons Survey, Abstract No. 202, the W.W. Ford Survey, Abstract 80, and the A. Rodriguez Survey, Abstract No. 231, in Rockwall County, Texas, identified by county ID numbers 115324 and 115325, and also being a portion of the property described in a deed to Hodges Ranch Partners, Ltd., as recorded in Volume 3828, Page 322 as Document Number 00319510 in the Official Public Records of Rockwall County, Texas. Zoning of the subject property will amend the official Zoning Map of the City of McLendon-Chisholm.

City Planner Coker presented his staff report.

APPLICANT: Colin Huffines
MC Trilogy Texas, LLC
8200 Douglas Avenue
Suite 300
Dallas, Texas 75225

LOCATION: The property is generally bounded on the north by Rabbit Ridge Road, on the west by FM 550 as shown on the attached approved concept plan.
Rockwall Parcel ID# 115324 and 115325.

Owner: MC Trilogy Texas, LLC
8200 Douglas Avenue
Suite 300
Dallas, Texas 75225
Representative: Colin Huffines, Project Manager

pg. 14

REQUEST:

1. The applicant is requesting approval of a planned development district on 575.143 acres of land currently in the City's Extra Territorial Jurisdiction. The subject property is part of an existing development agreement and an approved preliminary plat.
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STAFF RECOMMENDATION: Approval. These zoning regulations are consistent with the approved Concept Plan, the Development Agreement [DA] and the Subdivision regulations as amended by Exhibit E of the DA.

BACKGROUND INFORMATION: In October 2021 the City of McLendon-Chisholm entered into a development agreement with MC Trilogy Texas, LLC for the future development of a quality, master-planned, mixed-use community providing park land, open space, and other public and private amenities that will benefit and serve the present and future citizens of the City. This agreement establishes Governing Regulations for the development of all the property located within the boundary of MC Trilogy Texas. Approximately 179 acres of Trilogy are located within the City limits. In December 2021 the City Council approved the zoning ordinance for the In-City property. The remainder property is currently in the Extra Territorial Jurisdiction of the City.

Approved Concept Plan

**Exhibit C
Concept Plan**



Exhibit C – Page 1

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The Planned Development District and supporting documents are available for review at McLendon-Chisholm City Hall.

Chairman Schwalje opened the public hearing at 7:51 p.m.

Britta Jo, 256 Stevens Rd., Rockwall, Texas. I had the opportunity to attend the hearing yesterday of the lawsuit currently involving the city and the developers who own the land in question tonight. In that lawsuit, eleven examples were cited of the City of McLendon-Chisholm violating the opening meetings act. Not knowing much about that act, I went and researched it and found the following on the first page: Texas law has long agreed the inherent right of Texans to govern themselves depends on their ability to observe how public officials are conducting the people's business. That is why the Texas open meetings act was enacted to ensure that Texas government is transparent, open, and accountable to all Texans. At its core, the Texas open meetings act simply requires government entities to keep public business, well, open to the public. Access to the proceedings and decision-making processes of government is essential to a properly functioning and free state. With all that said, I ask you to consider why you as citizens would want to advise your city council to take any action on annexing land that is currently involved in a lawsuit showing evidence that the public's right to transparent

pg. 16

and open government was violated. I want you to pause and consider why you would want to move forward on action that supports a development agreement that was discussed with developers who were brought behind closed doors in executive sessions thus breaking the law and violating the citizens rights to open government. I am submitting to each of you tonight my recap of the hearings yesterday. In it you will see the stance of your city attorney and a website link to a video of your administrator confirming that he was told by your attorney that anyone can go back into executive session if they're invited to help in the decision-making process, thus showing Mr. Halla's own lack of respect for the citizens of McLendon-Chisholm's rights to open government. Tonight I hope the decision for y'all is simple also, table the annexation. We need to get back to the foundations of what Texas is all about, which is government that is transparent, open, and accountable to its citizens. Until we have that cleaned up and resolved, no action should be taken on any further steps related to this agreement with Trilogy. I truly believe, based off the discussions I have seen tonight that y'all care deeply about the rights of your citizens and I thank you for your time and efforts towards protecting those. Thank you.

Bob Steinhagen, 304 Pheasant Hill Dr. I have in my hand the development agreement for the Trilogy development that was agreed upon by the city council. It is the most dishonest development agreement that you will ever come across and here's why. It shares a half truth in what Mr. Coker said who I respect and I'm a Whataburger guy too, but I take issue with something he said because I believe it's a half truth. As Mark Twain once said, a half truth is worse than a whole lie. The half truth is that this development agreement was, did, well actually, well if I split hairs, it did not comply the comprehensive plan because the comprehensive plan at the time that this was adopted by the city council was 1.5 acres. How do I know that, because it was brought up in the hearing yesterday that the official change in our comprehensive plan was changed to one acre in December after this was signed because a voice vote, a generalized voice vote as it was taken was not proper. But that's splitting hairs. So, let's move past that. Let's just say that the city council did adopt the comprehensive plan for one acre. The half truth here is to say that the city council acted in good faith to adhere to the city's comprehensive plan because the acreage that is inside the City of McLendon-Chisholm, is in fact, going to be zoned for one acre or more. That's a half truth. But if you read further in the development agreement, it also says that the city will annex the other 575 acres. That's part of the agreement. What we're doing tonight is basically Kabuki Theory Theater. It's not a real action that this body takes. It's basically parliamentary because it is theta complete. They've already made the decision by and through this agreement. And, if the city council, by the way, if they don't agree to the annexation, guess what, the city will be sued and the city will lose. It's that simple. So that is the half-truth. The whole lie is that 575 acres of small lots are going to become part of our city and I'm sorry, nothing about that to say that, well, it's in the ETJ and that complies with out broad comprehensive plan, that is not, that does not have integrity to it because the development agreement was signed with the understanding that we have to annex. And it also says that this agreement shall control, in the event of any conflict between this agreement and the future zoning of the property which means that the developer has control over the zoning. They get to decide what happens in the 575 acres. So the city council knowingly accepted this development agreement knowing that the 575 acres would be small lot homes that is completely outside of what the citizens of McLendon-Chisholm desire. How do I know that, because as a member of city council, I was the

pg. 17

first city councilman to start and create the citizen survey. And then as Mayor I brought the second citizen survey. And then after I'm out of office the city hired a company to get a sense as it changes its comprehensive plan to do citizen surveys again. Do you know what the number one thing for all citizens was? Number one, and it wasn't close, the number one thing that citizens wanted to see was to protect our 1.5 acre minimum. What the city decided, the city council decided to forget it, we don't care, one acre. And now we really don't care because we're going to go with these small lot developments. Here's what I would recommend you do, you can either postpone it, which is reasonable since, as Mr. Coker did say that his link worked and according to one member of the commission that I spoke with this evening, their link did not work. So maybe you can clear that up. But what you are doing tonight is a recommendation to the city council. No matter what you decide, the city council is bound by the agreement and they're going to, very likely, annex. So what I would ask this body to do is be the conscience of the city. Vote no. Vote to oppose this and simply say we don't agree with this. This does not comply with our city comprehensive plan. This is not what the people want. At least send a message if you have to vote tonight. Otherwise postpone and get more information. I would still love to see the ordinance that you're voting on tonight as no citizen still has a copy of that ordinance. That would be good for us to see as well. I appreciate your time and your consideration. Thank you.

David Black, 1419 Siena Ln. Yeah, it's that development agreement that was made a while ago does seem to make this seem like a Kabuki Theater a little bit. But I'll go through the theater thing. You know the comprehensive plan was approved in September 29 of 2021. What's the date on the development agreement? Okay, but clearly it had that we wanted a rural feel and we wanted 1.5 initially and they did change it to one. The story that was give us that participated was Rockwall said that you could have sewer with only a one-acre lot because it used to be 1.5. That was the story so I guess that's why some people probably accepted. I mean it's a lot better than what I measured for Trilogy's development. 0.14 acres. Fifty-three percent of the lots they're going to put down are 0.14 acres. That's like half of the smallest Sonoma Verde and people thought Sonoma Verde was bad. This is really out of line. So they're all under half an acre except there are nine percent that are set for 1. Perhaps that's going to be in the city part before they annex and there's gong to be the annex to give us the other sub order acre stuff. If any one has ever looked at a Huffines development, yeah, they got pretty green spaces, but, boy, if you look at the houses, they are packed in. That's just their process they expect. You know you'll have the green space, the amenities to enjoy. A lot of people, when they come home from a hard day of work, you know hyper-active, you know Dallas metro area, they want to relax their family, sit out and barbeque you know and it's nice to have something other than some of those you can almost touch two houses like this. It's probably really ten feet but it might as well be 60. Some things the gentleman mentioned about Pullen Road, you're the planning commission so do you have plans to replace Pullen Road because, as you know, it's an old road so its got its bumps and things, it's asphalt But they're trees and they're structures right up to the non-shoulder that it has or doesn't have. That is a major thoroughfare right into the Trilogy development. Those people are going to want to come to 205. That's going to be a nightmare unless something is done. That's it.

David Larsen, 3079 W FM 550, Rockwall, Texas 75032. I am directly across from this, probably a quarter mile from Pullen Road near the Hodges. Mr. Hodges was my

pg. 18

architect. Back in the day I bought ten acres, 40 some years ago. I was with the police department for 26 years and worked really hard with that land. Finally was able to build a home in 96. To see what's happening to McLendon-Chisholm now, it is heartbreaking. It used to be two and a half acres I believe, way back in the day. Then it went to one and a half to do Chisholm Crossing, a nice subdivision though, nothing wrong with Chisholm Crossing. Nothing wrong with Stone Lee, it's not in McLendon-Chisholm but we have to develop something. That's what McLendon-Chisholm should want and deserve and have for the citizens. All of a sudden you're told now it's one acre when it was just an acre and a half. And also, when all this was happening, I never received any letters from McLendon-Chisholm about meetings. I obviously have never been involved in politics at all. I spent 26 years in law enforcement in Dallas so I know what crime looks like and crime will happen, it's happening in Forney right now with what they did over there at 460 and Clements. I'm so tempted to put signs up on my gate basically saying I do not want to be Forney, come for me basically is what we're looking at this by doing this under the table type deal. But, I have been to all these meetings. The Mayor is a Marine and the other member is Marine. My son spent 22 years in the Marine Corps. He almost came tonight and I said why don't you come next time. Next time because it's raining tonight, he works over there in Rockwall at Keller Williams. I would have been appalled to watch how some of the members up there reacted to the citizens in McLendon-Chisholm. The first meeting I came to, and I spoke. They left and we got up and one gentleman got up and wanted to just talk about what had just happened. Somebody came rushing out and said y'all can't do this. We ask if this is not a place for we the people to come to, we can't be talking? They called the Sheriff's department, they stood back there for over an hour. Sheriff's Department finally showed up and they walked around. Then, two weeks later I come back up here again and after the meeting I would leave and now we got a sheriff's car just sitting out in the parking lot. I thought to myself, is McLendon-Chisholm afraid that there's going to be some type of insurrection and that was my feelings about it. You just say I'm pretty politically involved now as a republican. I'm going to get off, but I want to thank each and every one of y'all because each and every one of y'all have given your full attention tonight and I appreciate that so much.

Chairman Schwalje closed the public hearing at 8:10 p.m.

- 5.4. Discussion and action regarding approval of the application of MC Trilogy Texas, LLC, requesting initial zoning of "PD" Planned Development District and updating the Comprehensive Plan and Zoning Map for two tracts of property to be annexed into the City of McLendon-Chisholm: an approximately 441.818 acre tract of land and an approximately 133.325 acre tract of land generally located north of FM 550 and east and west of Pullen Road and situated in the J. Simons Survey, Abstract No. 202, the W.W. Ford Survey, Abstract No. 80, and the A. Rodriguez Survey, Abstract No. 231, in Rockwall County, Texas, identified by county ID numbers 115324 and 115325, and also being a portion of the property described in a deed to Hodges Ranch Partners, Ltd., as recorded in Volume 3828, Page 322 as Document Number 00319510 in the Official Public Records of Rockwall County, Texas. Zoning of the subject property will amend the official Zoning Map of the City of McLendon-Chisholm.

Chairman Schwalje reminded the Commission that the item they are considering tonight is recommending approval or denial of the Planned Development District. They do not have any recommendation related to the annexation. That is City Council. So, our discussion needs to remain around the zoning of the Planned Development District.

Commissioner Martin asked Mr. Coker a question regarding the lot sizes. What he is having a hard time understanding, and I understand that our role is more ministerial, and as long as it's meeting guidelines, we are required to approve. But, he is having a real hard time understanding how they're wanting to annex, meaning they are going to become a part of us, but they're not wanting to follow what we're requiring and our comprehensive plan. That's his struggle. As a citizen, he certainly doesn't want smaller lots. Personally just knowing that Mr. Huffines' name is attached to it would make me want to decline it. But I want to understand why they are not wanting to provide, or can we make them. That's his whole issue, he doesn't want small ones.

City Planner Coker stated this property is all within the extraterritorial jurisdiction. We have no capacity to regulate the lot size. They have had a preliminary plat for all of this property approved because we do have, and you all got to make a recommendation about that preliminary plat for all 575 acres previously. On planning, we do have only three choices, approval, approval with conditions, or disapproval. But the legislative for zoning, you're not held to that same standard. The development agreement is pretty specific. It doesn't deal with what the development agreement says, then we have violated the contract. That's not the issue, I think your question is why don't they have to comply with one acre lots which is what our current comprehensive plan would say with the exception of that section that says for master plan communities that can provide sanitary sewer and water supply. The district they have established in the city and in the ETJ allows them to establish that. So, they don't have to come into the city to do what they're trying to do. They can do it in the extraterritorial jurisdiction. The only controls that we have until that property is in city are subdivision regulations which they've already come through the Planning & Zoning Commission and the City Council with their preliminary plat. You may recall that there were 24 pages of plat documents. So, your obligation now is to decide whether or not the planned development district that they have submitted is consistent with what the Council agreed to a couple of years ago, October 27, 2021. So what that agreement said is they can have this number. Actually, they've reduced the number of housing units from the original agreement by several hundred units. But we have no control over the size of the lots now if it's consistent with the preliminary plat and it's consistent with the development agreement, then you have the same three choices. You can recommend approval, you can recommend approval with some conditions, or you can recommend denial because you're a recommending body and as long as it's in the ETJ we haven't taken any action because you're a recommending body. It's not until the City Council, if the City Council decides to do this, annexes the property that our zoning regulations and our comprehensive plan would be fully applicable to this property. Right now, this 575 acres is not really controlled by our comprehensive plan because the comprehensive plan really only applies to that property that is in the city limits. I want to have the public hearing correct. I've recommended approval because it is consistent with the development agreement and it's consistent with the preliminary plat that was recommended for approval by you all and approved by Council. So what they're asking

pg. 20

for here is consistent with everything. It has nothing to do with annexation. It has everything to do with future zoning.

Commissioner Martin asked on the development agreement, did that specify in that agreement that annexation would or would not happen. It was a for sure thing that was going to be a part of that. Mr. Coker responded yes.

Commissioner Martin stated another concern, which he thinks should be everyone's concern, is RCH. Didn't we put a requirement in our previous plat approval that they needed to support that they had infrastructure in place. Mr. Coker responded yes.

Commissioner Kipphut asked if anyone from the developer was present.

Phillip Huffines, 3900 Miramar, Dallas, Texas, responded.

Commissioner Kipphut ask if the city, he realizes this is about the PD or act on the PD, his question is a little broader. If the city doesn't incorporate Trilogy, what will be the recourse?

Mr. Huffines stated he didn't think he can answer that question. Just a second recourse if we have a problem, we can develop in the ETJ whether it's small lots, big lots, apartments, mobile homes, all of those are legal uses that can be brought into ETJ and develop.

Commissioner Kipphut directed a question to Mr. Coker. He stated that it is his understanding that the rules that would apply would be the county subdivision regulations which would govern the actual construction that could take place in the ETJ and our authorities would be limited to the ministerial functions associated with platting consistent with what the county subdivision regulations and other things like TxDOT, etc.

City Planner Coker explained we do have an interlocal agreement with Rockwall County. You have one with Kaufman County as well, but with Rockwall County, which is where this property is located, says that the city's subdivision regulations shall be the controlling documents for subdivisions in the extraterritorial jurisdiction.

Commission Kipphut stated that there would still be a drain on the city resources. Mr. Coker confirmed.

Commissioner Swindoll ask how they are going to provide water for their development. Mr. Huffines responded they have three different sources. They have RCH who have vocally agreed to give McLendon-Chisholm their CCN. She asked if RCH had denied them water.

Mr. Huffines stated it is their goal to find a water solution for all of McLendon-Chisholm. Ms. Swindoll asked again if RCH had denied them water. Mr. Huffine responded that they said they probably couldn't serve. Ms. Swindoll asked again what his solution is to provide water.

Mr. Huffines explained there's multiple solutions. They can drill a well as well as work with Highpoint, Blackland, or the City of McLendon-Chisholm. He stated it is their goal to get the City of McLendon-Chisholm in the water business and RCH out of the water business. He further explained that they will be construction tens of millions dollars-worth of infrastructure and they will pay for all the infrastructure.

MOTION: POSTPONE UNTIL THE NEXT P&Z MEETING

MADE BY: Commission Swindoll

SECONDED BY: Commission Rohde

APPROVAL: Unanimous

6. ADJOURN

The meeting adjourned at 8:37 p.m.

ATTEST:

APPROVED:

Konrad Hildebrandt
City Administrator

Lesley Schwalje, Chairperson



PLANNING AND ZONING COMMISSION – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: March 16, 2023

APPLICANT: Colin Huffines
MC Trilogy Texas, LLC
8200 Douglas Avenue
Suite 300
Dallas, Texas 75225

LOCATION: The property is generally bounded on the north by Rabbit Ridge Road, on the west by FM 550 as shown on the attached approved concept plan. Rockwall Parcel ID# 115324 and 115325.

Owner: MC Trilogy Texas, LLC
8200 Douglas Avenue
Suite 300
Dallas, Texas 75225
Representative: Colin Huffines, Project Manager

PLANNING AND ZONING COMMISSION MEETING DATE: March 21, 2023

REQUEST:

1. The applicant is requesting approval of a planned development district on 575.143 acres of land currently in the City's Extra Territorial Jurisdiction. The subject property is part of an existing development agreement and an approved preliminary plat.

STAFF RECOMMENDATION: Approval. These zoning regulations are consistent with the approved Concept Plan, the Development Agreement [DA] and the Subdivision regulations as amended by Exhibit E of the DA.

BACKGROUND INFORMATION: In October 2021 the City of McLendon-Chisholm entered into an development agreement with MC Trilogy Texas, LLC for the future development of a quality, master-planned, mixed-use community providing parkland, open space, and other public and private amenities that will benefit and serve the present and future citizens of the City. This agreement establishes Governing Regulations for the development of all the property located within the boundary of MC Trilogy Texas. Approximately 179 acres of Trilogy are located within the City limits. In December 2021 the City Council approved the zoning ordinance for the In-City property. The remainder property is currently in the Extra Territorial Jurisdiction of the City.

Approved Concept Plan

Exhibit C Concept Plan



Exhibit C – Page 1

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The Planned Development District and supporting documents are available for review at McLendon-Chisholm City Hall.

The PDD ordinance is included here: [double click the icon]



Trilogy - Zoning - PD
Zoning Ordinance (ET)



City of McLendon-Chisholm
1371 West FM 550 - McLendon-Chisholm, Texas 75032
TEL: (972)524-2077 FAX: (972)524-9128

ZONING CHANGE APPLICATION

Date of Application: 1/25/23

Receipt # _____

Fee: \$600 per lot + \$10 per acre (acreage rounded to the next whole acre) + ALL consultant Costs. Consultant costs includes City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City.

Address and/or Location of Request:

See attached "Location Map" for the location of the property.

Property Legal Description:

See attached "Meets and Bounds Description of the Property" for the legal description.

County Parcel ID: 115324 and 115325

Existing Zoning: Agricultural District Requested Zoning: PD

Applicant's Name: MC Trilogy Texas LLC

Phone No. 214-532-9326 Email: colin@heiinc.com

Status of Applicant: Owner ☒ or Authorized Agent _____

Applicant's Address: _____

Owner's Address: 8200 Douglas Ave, Suite 300 Dallas, TX 75225

I certify that I am the owner of the property described in this petition/application and Not applicable is the authorized agent to file this application on my behalf.

Signature of Owner:

Colin Hei Date 1/25/23

Signature of Applicant:

Colin Hei Date 1/25/23

Development Fees

The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 one-half hour complimentary professional consultation with the City Planner and/or City Engineer. These complimentary consultation(s) will be arranged by City Staff. Limit of one complimentary consultation per property.

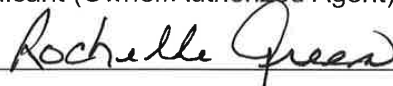
The applicant must pay the actual fee (very small & simple projects) or deposit the estimated fee with the City prior to consultant review of any application. Should the actual consultant cost exceed the estimate, the applicant will be invoiced for amounts owed. Unused deposit monies will be refunded to applicant within 60 days of project conclusion.

ALL Consulting Costs - Includes City Planning, City Engineer, City Attorney and any other outside consultant costs incurred by the City. All outstanding fees must be paid by the applicant prior to their application being placed on the agenda of the Planning & Zoning Commission, City Council or BOA. Consultants invoice the City monthly after work is completed, so it is possible for plat applicants to receive notice of outstanding fees after a plat has been considered. The City will invoice for any remaining consulting charges. Building permits be not be issued with fees outstanding.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application. All information submitted herein is true and correct and the application fee of \$ N/A to cover the cost of this application, and an initial deposit of \$ N/A for consulting fees has been paid to the City of McLendon-Chisholm on this _____ day of _____, 202__.

Further, I hereby certify that I understand and agree to the development and consulting fees and costs as stated above and agree to pay all outstanding fees and costs to the City prior to the application being placed on the agenda for consideration by the Planning & Zoning Commission and/or City Council.

Signature of Applicant (Owner/Authorized Agent): 

City Secretary: 

(Seal)



See attached supplement letter

Page 2 of 2

02/25/2020 Zoning Change Application and Checklist

CHECKLIST FOR ZONING CHANGE APPLICANT

The following items must be submitted along with the completed application before processing and scheduling.

1. Completed Application
2. Legal Description and plat of the subject site. Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper) and the subdivision name with lot and block number.
3. A location map clearly showing the site in relation to adjacent streets and distance to nearest thoroughfare.
4. Filing Fee of \$600.00 for the requested change of property + 10 per acre + ALL consultant costs.
5. Names and Addresses of Legal Property Owners within 200 feet of property. (The City will need to send these out 11 Days or more giving notice of the Public Hearing)
6. If not the owner of the property, have a letter from the owner stating that the applicant is authorized to file the application.
7. Post signs of Proposed Zoning Change at the property site. (City)



January 25, 2023

City of McLendon-Chisholm
Mr. Konrad Hildebrant
City Administrator
1371 West FM 550
McLendon-Chisholm, Texas 75032

RE: Trilogy PD Application

Mr. Hildebrant,

On behalf of the property owner, MC Trilogy Texas, LLC ("Trilogy"), I am enclosing an application to zone as a Planned Development approximately 575.143 acres of land (the "Trilogy Property") that has been or will be annexed into the City's corporate limits. The enclosed PD application for the Trilogy Property is contemplated by and consistent with the terms of the Development Agreement entered between the City and Trilogy. Pursuant to Section 4.7 of the Development Agreement, zoning fees do not apply to this application.

The attorney for the applicant is Misty Ventura with Shupe Ventura, PLLC. Please feel free to contact her, as well, if you have questions or comments related to this application.

Sincerely,

Colin Huffines,
Project Manager

CC: Misty Ventura, misty.ventura@svlandlaw.com (via email)
Melissa Lindelow, melissa.lindelow@svlandlaw.com (via email)
Michael Halla, mhalla@hallalawfirm.com (via email)

Metes and Bounds Description of the Property

ETJ TRACT 1

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. SIMMONS SURVEY, ABSTRACT NO. 202, THE W.W. FORD SURVEY, ABSTRACT NO. 80, AND THE A. RODRIGUEZ SURVEY, ABSTRACT NO. 231, IN ROCKWALL COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED TO HODGES RANCH PARTNERS, LTD., AS RECORDED IN VOLUME 3828 AT PAGE 322 ALSO KNOWN AS DOCUMENT NUMBER 00319510 ON DECEMBER 4TH 2004 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING SUBJECT TO A MEMORANDUM OF INTEREST WITH REGARD TO OWNERSHIP OF REAL PROPERTY RECORDED UNDER COUNTY CLERKS FILE NUMBER 20160000014831 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN RABBIT RIDGE ROAD, (A VARIABLE WIDTH RIGHT-OF-WAY), AT THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 44°16'29" E a distance of 89.26'to a point for corner;

THENCE N 44°15'17" E a distance of 1492.27'to a point for corner;

THENCE S 45°49'51" E a distance of 3464.03'to a point for corner;

THENCE N 45°15'27" E a distance of 845.37'to a point for corner;

THENCE S 45°20'50" E a distance of 770.32'to a point for corner;

THENCE S 45°52'07" E a distance of 371.76'to a point for corner;

THENCE S 45°39'45" E a distance of 866.70'to a point for corner;

THENCE S 45°04'02" E a distance of 400.01'to a point for corner;

THENCE S 44°19'52" W a distance of 614.77'to a point for corner;

THENCE S 44°19'52" W a distance of 618.71'to a point for corner;

THENCE S 45°40'08" E a distance of 706.56'to a point for corner;

THENCE S 44°23'53" W a distance of 1352.29'to a point for corner;

THENCE S 44°42'29" W a distance of 1349.67'to a point for corner;

THENCE N 45°05'00" W a distance of 30.40'to a point for corner;

THENCE S 68°20'00" W a distance of 151.80'to a point for corner;

THENCE N 88°15'00" W a distance of 274.51'to a point for corner;

THENCE N 88°15'00" W a distance of 102.49'to a point for corner;
THENCE N 87°05'36" W a distance of 499.42'to a point for corner;
THENCE N 88°20'23" W a distance of 365.10'to a point for corner;
THENCE N 45°00'00" W a distance of 1596.73'to a point for corner;
THENCE N 45°00'00" E a distance of 1050.00'to a point for corner;
THENCE N 45°00'00" W a distance of 150.87'to a point for corner;
THENCE N 48°33'57" E a distance of 83.82'to a point for corner;
THENCE N 08°18'57" E a distance of 54.00'to a point for corner;
THENCE N 43°11'03" W a distance of 104.00'to a point for corner;
THENCE N 12°41'03" W a distance of 111.00'to a point for corner;
THENCE N 39°33'57" E a distance of 93.00'to a point for corner;
THENCE S 89°11'03" E a distance of 140.00'to a point for corner;
THENCE N 33°48'57" E a distance of 108.00'to a point for corner;
THENCE N 81°48'57" E a distance of 98.00'to a point for corner;
THENCE N 13°18'57" E a distance of 143.00'to a point for corner;
THENCE N 61°11'03" W a distance of 57.00'to a point for corner;
THENCE N 44°56'03" W a distance of 123.00'to a point for corner;
THENCE N 08°56'03" W a distance of 57.00'to a point for corner;
THENCE N 86°18'57" E a distance of 129.00'to a point for corner;
THENCE N 40°03'57" E a distance of 128.00'to a point for corner;
THENCE N 57°03'57" E a distance of 110.00'to a point for corner;
THENCE N 69°48'57" E a distance of 81.15'to a point for corner;
THENCE N 41°14'57" W a distance of 2018.90'to a point for corner;
THENCE N 40°35'51" W A DISTANCE OF 1575.68' TO THE POINT OF BEGINNING, CONTAINING
19,245,590.6 SQUARE FEET, OR 441.818 ACRES OF LAND MORE OR LESS.

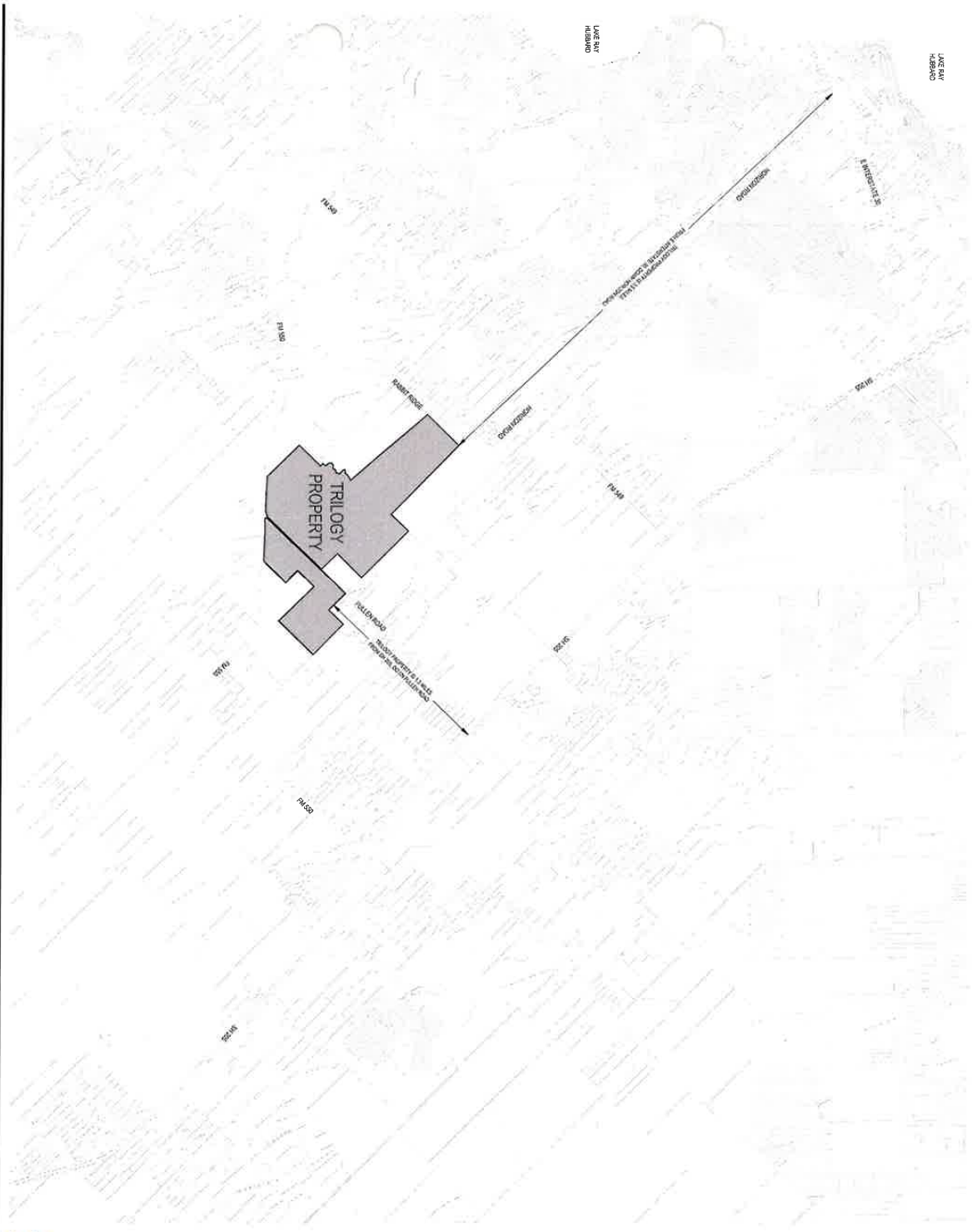
ETJ TRACT 2

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. SIMMONS SURVEY, ABSTRACT NO. 202, THE W.W. FORD SURVEY, ABSTRACT NO. 80, AND THE A. RODRIGUEZ SURVEY, ABSTRACT NO. 231, IN ROCKWALL COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED TO HODGES RANCH PARTNERS, LTD., AS RECORDED IN VOLUME 3828 AT PAGE 322 ALSO KNOWN AS DOCUMENT NUMBER 00319510 ON DECEMBER 4TH 2004 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING SUBJECT TO A MEMORANDUM OF INTEREST WITH REGARD TO OWNERSHIP OF REAL PROPERTY RECORDED UNDER COUNTY CLERKS FILE NUMBER 20160000014831 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN PULLEN ROAD, (A VARIABLE WIDTH RIGHT-OF-WAY), AT THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 45°52'07" E a distance of 836.75' to a point for corner;
THENCE N 44°13'38" E a distance of 717.19' to a point for corner;
THENCE S 45°44'07" E a distance of 1529.00' to a point for corner;
THENCE S 45°00'00" W a distance of 1708.95' to a point for corner;
THENCE N 45°00'00" W a distance of 1750.00' to a point for corner;
THENCE S 45°00'00" W a distance of 800.00' to a point for corner;
THENCE S 45°00'00" E a distance of 600.00' to a point for corner;
THENCE S 45°00'00" W a distance of 1092.91' to a point for corner;
THENCE N 88°13'09" W a distance of 163.88' to a point for corner;
THENCE N 86°06'41" W a distance of 301.66' to a point for corner;
THENCE N 88°15'00" W a distance of 1073.00' to a point for corner;
THENCE N 01°45'00" E a distance of 65.55' to a point for corner;
THENCE N 44°34'36" E a distance of 928.59' to a point for corner;
THENCE N 44°31'40" E a distance of 151.79' to a point for corner;
THENCE N 43°28'23" E a distance of 346.55' to a point for corner;
THENCE N 44°43'11" E a distance of 901.86' to a point for corner;
THENCE N 44°06'02" E a distance of 914.03' to a point for corner;
THENCE N 44°44'29" E a distance of 285.28' to a point for corner;

THENCE N 45°50'03" E A DISTANCE OF 322.68' TO THE POINT OF BEGINNING, CONTAINING 5,807,645.3 SQUARE FEET, OR 133.325 ACRES OF LAND MORE OR LESS.

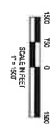


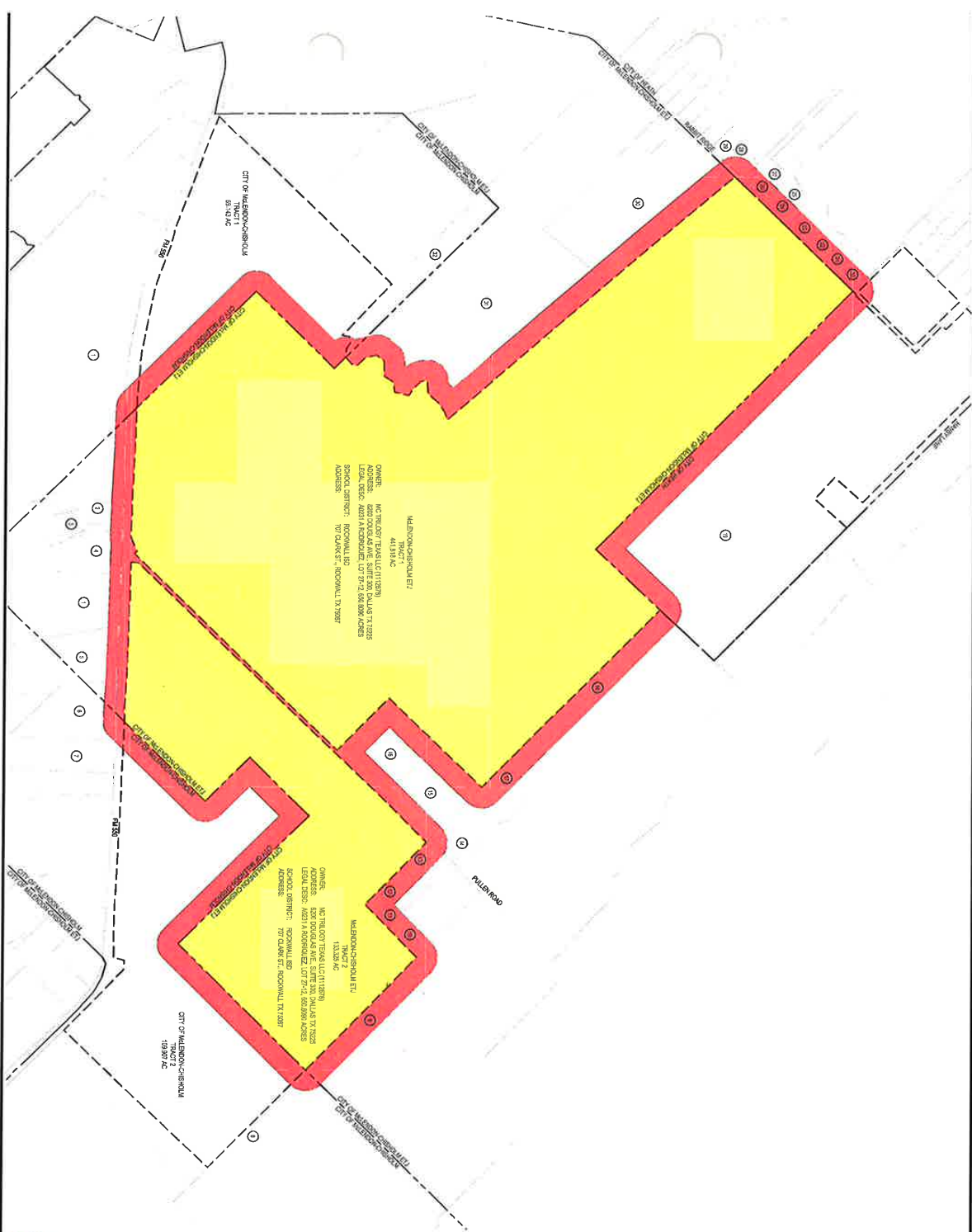
TRIOGY
LOCATION MAP

TRIOGY, LLC
10000 N. 10th St.
Suite 100
Phoenix, AZ 85020
202.462.2022
www.triogylife.com

TRIOGY WITHIN CITY OF
MILWAUKEE, WISCONSIN

LEGEND





LEGEND

- TRILOGY WITHIN CITY OF MALETOWN-CHISHOLM ET AL.
- AREA WITHIN 200' OF TRILOGY PROPERTY
- ADJACENT PROPERTY WITHIN 200' OF THE TRILOGY PROPERTY

TRILOGY
 ADJACENT PROPERTIES

tnp
 TRILOGY
 6000 DOWNS AVE. SUITE 200, PULASKY, TN 37375
 TEL: 615.261.1111
 FAX: 615.261.1112
 WWW.TRILOGY.COM

ADJACENT PROPERTIES[illegible][illegible][illegible]

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AMENDING THE COMPREHENSIVE PLAN, COMPREHENSIVE ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, AS HERETOFORE AMENDED, SO THAT AN APPROXIMATELY 575.143-ACRE PROPERTY DESCRIBED BY METES AND BOUNDS ON EXHIBIT A ATTACHED HERETO IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND CERTAIN COMMERCIAL USES, AND TO ADOPT DEVELOPMENT STANDARDS FOR THE 575.143-ACRE PROPERTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A CONFLICTS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, upon annexation of an approximately 575.143-acre property on March 28, 2023 by the adoption of Ordinance No. _____, which property is more fully described and depicted on Exhibit A attached hereto (the "Property"), the City of McLendon-Chisholm (the "City") considered amending the City's Comprehensive Plan, Comprehensive Zoning Ordinance, and Zoning Map by establishing "PD" – Planned Development District zoning on the Property to allow for a mix of residential and certain commercial uses on the Property subject to the development standards set forth in this Ordinance; and

WHEREAS, the City Council finds that this Ordinance is consistent with the Property's vested rights and the terms of the development agreement between the City and the owner of the Property recorded in the real property records of Rockwall County, Texas on November 10, 2021, as Instrument Number 20210000030761 that governs the development of the Property (the "Development Agreement"); and

WHEREAS, this Ordinance updates the City's Comprehensive Plan to reflect and plan for the development authorized by the Development Agreement; and

WHEREAS, after notice of the required zoning as required by law and holding the public hearings required by law, the City Council is of the opinion that the PD zoning district classification on the Property, amendment to the official zoning map of the City to reflect the PD zoning classification, and amendment to the City's Comprehensive Plan consistent with this Ordinance should be made.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

- Section 1: That the Comprehensive Plan, Zoning Ordinance and Zoning Map of the City of McLendon-Chisholm, Texas, duly passed by the governing body of the City of McLendon-Chisholm, Texas, as heretofore amended, be and the same are hereby amended to establish a Planned Development ("PD") described herein, of approximately 575.143 acres located in the J. Simmons Survey, Abstract No. 202, the W.W. Ford Survey, Abstract No. 80, and the A. Rodriguez Survey, Abstract No. 231, in Rockwall County, Texas, generally located north of FM 550 and east and west of Pullen Road and being more particularly described in Exhibit "A," which is attached hereto and incorporated herein.
- Section 2: Use and development of the subject property shall conform to this Ordinance. All attached exhibits are incorporated herein for all purposes.
- Section 3: If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 4: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McLendon-Chisholm to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of McLendon-Chisholm, Texas and the McLendon-Chisholm Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.
- Section 6: That all recitals contained in this Ordinance are fully incorporated herein as if fully written.
- Section 7: The caption of this Ordinance shall be published as required by law, and this Ordinance shall become effective upon such publication.

[Signature page follows]

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MCLENDON-CHISHOLM, TEXAS, ON THE 28th DAY OF MARCH, 2023.**

CITY OF MCLENDON-CHISHOLM, TEXAS

Name: _____
Title: Mayor_____

ATTEST:

Name: _____
Title: City Secretary_____

Date: _____

Exhibit A
Metes and Bounds Description of the Property

ETJ TRACT 1

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. SIMMONS SURVEY, ABSTRACT NO. 202, THE W.W. FORD SURVEY, ABSTRACT NO. 80, AND THE A. RODRIGUEZ SURVEY, ABSTRACT NO. 231, IN ROCKWALL COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED TO HODGES RANCH PARTNERS, LTD., AS RECORDED IN VOLUME 3828 AT PAGE 322 ALSO KNOWN AS DOCUMENT NUMBER 00319510 ON DECEMBER 4TH 2004 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING SUBJECT TO A MEMORANDUM OF INTEREST WITH REGARD TO OWNERSHIP OF REAL PROPERTY RECORDED UNDER COUNTY CLERKS FILE NUMBER 20160000014831 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN RABBIT RIDGE ROAD, (A VARIABLE WIDTH RIGHT-OF-WAY), AT THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 44°16'29" E a distance of 89.26'to a point for corner;

THENCE N 44°15'17" E a distance of 1492.27'to a point for corner;

THENCE S 45°49'51" E a distance of 3464.03'to a point for corner;

THENCE N 45°15'27" E a distance of 845.37'to a point for corner;

THENCE S 45°20'50" E a distance of 770.32'to a point for corner;

THENCE S 45°52'07" E a distance of 371.76'to a point for corner;

THENCE S 45°39'45" E a distance of 866.70'to a point for corner;

THENCE S 45°04'02" E a distance of 400.01'to a point for corner;

THENCE S 44°19'52" W a distance of 614.77'to a point for corner;

THENCE S 44°19'52" W a distance of 618.71'to a point for corner;

THENCE S 45°40'08" E a distance of 706.56'to a point for corner;

THENCE S 44°23'53" W a distance of 1352.29'to a point for corner;

THENCE S 44°42'29" W a distance of 1349.67'to a point for corner;

THENCE N 45°05'00" W a distance of 30.40'to a point for corner;

THENCE S 68°20'00" W a distance of 151.80'to a point for corner;

THENCE N 88°15'00" W a distance of 274.51'to a point for corner;

THENCE N 88°15'00" W a distance of 102.49'to a point for corner;

THENCE N 87°05'36" W a distance of 499.42'to a point for corner;
THENCE N 88°20'23" W a distance of 365.10'to a point for corner;
THENCE N 45°00'00" W a distance of 1596.73'to a point for corner;
THENCE N 45°00'00" E a distance of 1050.00'to a point for corner;
THENCE N 45°00'00" W a distance of 150.87'to a point for corner;
THENCE N 48°33'57" E a distance of 83.82'to a point for corner;
THENCE N 08°18'57" E a distance of 54.00'to a point for corner;
THENCE N 43°11'03" W a distance of 104.00'to a point for corner;
THENCE N 12°41'03" W a distance of 111.00'to a point for corner;
THENCE N 39°33'57" E a distance of 93.00'to a point for corner;
THENCE S 89°11'03" E a distance of 140.00'to a point for corner;
THENCE N 33°48'57" E a distance of 108.00'to a point for corner;
THENCE N 81°48'57" E a distance of 98.00'to a point for corner;
THENCE N 13°18'57" E a distance of 143.00'to a point for corner;
THENCE N 61°11'03" W a distance of 57.00'to a point for corner;
THENCE N 44°56'03" W a distance of 123.00'to a point for corner;
THENCE N 08°56'03" W a distance of 57.00'to a point for corner;
THENCE N 86°18'57" E a distance of 129.00'to a point for corner;
THENCE N 40°03'57" E a distance of 128.00'to a point for corner;
THENCE N 57°03'57" E a distance of 110.00'to a point for corner;
THENCE N 69°48'57" E a distance of 81.15'to a point for corner;
THENCE N 41°14'57" W a distance of 2018.90'to a point for corner;
THENCE N 40°35'51" W A DISTANCE OF 1575.68' TO THE POINT OF BEGINNING,
CONTAINING 19,245,590.6 SQUARE FEET, OR 441.818 ACRES OF LAND MORE OR LESS.

ETJ TRACT 2

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. SIMMONS SURVEY, ABSTRACT NO. 202, THE W.W. FORD SURVEY, ABSTRACT NO. 80, AND THE A. RODRIGUEZ SURVEY, ABSTRACT NO. 231, IN ROCKWALL COUNTY, TEXAS, AND

ALSO BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED TO HODGES RANCH PARTNERS, LTD., AS RECORDED IN VOLUME 3828 AT PAGE 322 ALSO KNOWN AS DOCUMENT NUMBER 00319510 ON DECEMBER 4TH 2004 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING SUBJECT TO A MEMORANDUM OF INTEREST WITH REGARD TO OWNERSHIP OF REAL PROPERTY RECORDED UNDER COUNTY CLERKS FILE NUMBER 20160000014831 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN PULLEN ROAD, (A VARIABLE WIDTH RIGHT-OF-WAY), AT THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

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THENCE N 44°13'38" E a distance of 717.19' to a point for corner;

THENCE S 45°44'07" E a distance of 1529.00' to a point for corner;

THENCE S 45°00'00" W a distance of 1708.95' to a point for corner;

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THENCE S 45°00'00" W a distance of 1092.91' to a point for corner;

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THENCE N 44°44'29" E a distance of 285.28' to a point for corner;

THENCE N 45°50'03" E A DISTANCE OF 322.68' TO THE POINT OF BEGINNING, CONTAINING 5,807,645.3 SQUARE FEET, OR 133.325 ACRES OF LAND MORE OR LESS.

Exhibit B
Planned Development District Development Regulations

1. Definitions.
 - a. Building Permit Fees is defined in Section 10(c) of this exhibit.
 - b. City Fees is defined in Section 10(e) of this exhibit.
 - c. Concept Plan means the Concept Plan attached as **Exhibit C** of this Ordinance, as amended from time to time in accordance with this Ordinance.
 - d. District means Rockwall County Municipal Utility District No. 10 or any municipal utility district resulting from the division of Rockwall County Municipal Utility District No. 10.
 - e. Development Agreement means that certain Development Agreement between the City and MC Trilogy Texas, LLC approved by the City Council on October 27, 2021.
 - f. End-Buyer means the end-buyer of a fully developed and improved lot within the Property.
 - g. Fees is defined in Section 10(g) of this exhibit.
 - h. Flood Study Fee is defined in Section 10(d) of this exhibit.
 - i. Governing Regulations is defined in Section 2 of this exhibit.
 - j. Ordinance means this Ordinance establishing planned development district zoning on the Property.
 - k. Owner means "Owner" as defined in the Development Agreement or an "Assignee" as defined in the Development Agreement.
 - l. Plan Review Fees is defined in Section 10(b) of this exhibit.
 - m. Plat Review Fees is defined in Section 10(a) of this exhibit.
 - n. Property means the property described on **Exhibit A** of this Ordinance.
 - o. Public Infrastructure means water, wastewater, drainage, roadway, and other public infrastructure to serve the Property in accordance with the Development Agreement.
 - p. Public Safety Fees is defined in Section 10(f) of this exhibit.
 - q. Structure means every structure designed or intended for human occupancy and every accessory structure intended for human occupancy.
 - r. TCEQ means Texas Commission on Environmental Quality.

- s. Zoning Ordinance means the City's comprehensive zoning ordinance in effect on the effective date of the Development Agreement.

2. Governing Regulations.

- a. Development of the Property shall be governed solely by the following regulations (collectively, the "Governing Regulations"): (i) the Zoning Ordinance, as amended by this Ordinance (the "Development Regulations"); (ii) the following building codes adopted by the City and in effect on the Effective Date: the provisions of the International Building Code (2018 edition), the International Residential Code (2018 edition), the International Energy Conservation Code (2018 edition), the International Mechanical Code (2018 edition), the International Plumbing Code (2018 edition), the International Fuel Gas Code (2018 edition), the International Property Maintenance Code (2018 edition), and the National Electrical Code (2020 edition), the International Fire Code (2018 edition) excluding all cul-de-sac size and dimension requirements, as well as amendments thereto adopted by Ordinance No. 2020-03 (the "Building Codes"); and (iii) the subdivision regulations of the City in effect on the Effective Date (the "Subdivision Regulations"), as amended by the special regulations set forth on Exhibit E of this Ordinance (the "Special Regulations").
- b. The Governing Regulations are exclusive, and no other City-adopted ordinances, rules, regulations, standards, policies, orders, guidelines, or other City-adopted or City-enforced requirements of any kind apply to the use or development of the Property.

3. Concept Plan; Development Plan.

- a. The Concept Plan attached as Exhibit C satisfies the requirements of Section 5-1 of the Zoning Ordinance for the approval of a conceptual plan with the establishment of a new planned development district. Revisions to the street layout and the location and configuration of open space areas shown on Exhibit C are permitted without City approval provided such revisions comply with all other Governing Regulations. The lot layouts and counts shown for single family development on the Concept Plan are preliminary, conceptual in nature, and subject to change, and final lot layouts and lot counts for single family development will be determined at the time of platting. Any amendment to the Concept Plan that is approved on a plat is deemed to be a City-approved amendment to the Concept Plan. All other revisions to the Concept Plan require the approval of the City Council.
- b. A development plan (also known as a detailed site plan), as required by 5-1 of the Zoning Ordinance is required for all development; however, pursuant to Section 5-1 of the Zoning Ordinance, no signage plan or architectural plans are required for a development plan for single family development or an amenity center. A development plan shall be approved if it satisfies the Governing Regulations. No public hearing is required for a development plan for single family development or an amenity center.

4. Conflicts. In the event of any conflict between this Ordinance and any other ordinance, rule, regulation, standard, policy, order, guideline or other City-adopted or City-enforced requirement, whether existing on the date of the adoption of this Ordinance or hereinafter adopted, this Ordinance shall control. In the event of a conflict between this Ordinance (including any exhibit attached hereto) and the Zoning Ordinance, the Building Codes, or the Subdivision Regulations, this Ordinance (including all exhibits attached hereto) shall control. In the event of a conflict between an exhibit attached to this Ordinance and the text of this Ordinance, the text of this Ordinance shall control.

5. Plats. Subdivision of the Property requires approval of plats by the City in accordance with the Governing Regulations.

6. Public Infrastructure. The Public Infrastructure must be designed to comply with the Governing Regulations, and no construction or installation of Public Infrastructure shall begin until plans and specifications have been approved by the City (which approvals must not be unreasonably withheld or delayed). Nothing herein is intended to waive or modify any applicable requirements for retail or wholesale providers to review and approve any water or wastewater construction plans.

7. Inspections. The City acknowledges that all Public Infrastructure must be inspected as required by the rules of the TCEQ to the extent the costs and expenses paid or incurred by Owner in connection with such infrastructure will be reimbursable to Owner from bonds issued by the District or other funds legally available to the District. In order to avoid the duplication of time and expense of dual inspection and testing of Public Infrastructure, in lieu of City inspections, the engineer for the District shall perform inspections of all Public Infrastructure and issue certifications to confirm compliance with City requirements and TCEQ requirements, and file copies of his or her reports with the City. Alternatively, at the City's option, the City's engineer may perform all inspections of Public Infrastructure, in which case the City shall require its engineer to issue certifications to confirm compliance with City requirements and TCEQ requirements.

8. Building Permits. No Structure shall be constructed unless a building permit has been issued by the City, and permits shall not be unreasonably withheld, conditioned, or delayed. A building permit must be issued for any Structure that complies with the Governing Regulations. Except for model homes, no building permit may be issued for a Structure unless a final plat has been recorded for the lot on which the Structure is being constructed. Building permits must be issued for model homes prior to the recordation of a final plat if the Public Infrastructure to serve the model homes has been completed and inspected (including fire protection and excluding sewer); however, no model home may be sold to any End-Buyer until a final plat has been recorded.

9. Certificate of Occupancy. Except for model homes, no Structure may be occupied until a certificate of occupancy has been issued by the City certifying that the Structure has been constructed in compliance with the Governing Regulations, which certificates shall not be unreasonably withheld, conditioned, or delayed. Model homes may be occupied for the sole purpose of sales and marketing; however, no model home may be sold to or occupied by an End-Buyer until a certificate of occupancy has been issued.

10. Development Charges.

- a. Plat Review Fees. Development of the Property shall be subject to payment to the City of the following fees (the "Plat Review Fees"): (a) for a preliminary plat, \$280 per acre (or fraction thereof) within the plat plus the City's costs to hire a consultant to review the preliminary plat if City staff is not able to review the plat; and (b) for a final plat, \$250 plus \$5 per lot within the final plat, plus the City's costs to hire a consultant to review the final plat if City staff is not able to review the plat.
- b. Plan Review Fees. Development of the Property shall be subject to payment to the City of the reasonable and lawful costs to hire a consultant to review the District's plans and specifications for Public Infrastructure (the "Plan Review Fees").
- c. Building Permit Fees. Development of the Property shall be subject to payment to the City of the reasonable and lawful fees and charges applicable to the City's review of building construction plans, issuance of building permits, inspection of buildings, and issuance of certificates of occupancy (the "Building Permit Fees") according to the fee schedule adopted by the City Council and in effect on the date of submittal of a building permit application. The fee schedule applicable to the Property shall be uniformly applicable to all development within the corporate limits of the City.
- d. Flood Study Fee. A fee equal to the actual cost of the City's engineer's review of a new flood study for the Property shall be paid to the City in connection with the City's analysis of any new flood study that is required by the Governing Regulations (the "Flood Study Fee"), which fee is required to be a reasonable market rate fee for a licensed professional engineer to review a flood study of a comparable scope.
- e. City Fees. The Parties agree that the City may collect a \$1,500 wastewater fee per dwelling unit from each building permit applicant at the time of building permit issuance as a condition to issuance of the building permit for the dwelling unit (the "Wastewater City Fees"), which is a fee that shall be used to fund administrative and facility operation and maintenance costs associated with providing wastewater service to the Property. If the City is the retail water provider to the Property, the Parties agree that the City may collect a \$1,000 water fee per dwelling unit per dwelling unit from each building permit applicant at the time of building permit issuance as a condition to issuance of the building permit for the dwelling unit (the "Water City Fees"), which is a fee that shall be used to fund administrative and facility operation and maintenance costs associated with providing water service to the Property. The City agrees that no impact fees adopted pursuant to Chapter 395 of the Texas Local Government Code will be collected in connection with the development or use of the Property.
- f. Public Safety Fees. The City may collect a \$250 public safety fee per dwelling unit from each building permit applicant at the time of building permit issuance as a condition to issuance of the building permit for the dwelling unit (the "Public Safety Fees"), which fees shall be used to fund the City's provision of public safety services to the Property.

- g. Exclusive Fees. Except for Plat Review Fees, Plan Review Fees, Building Permit Fees, Flood Study Fee, and Wastewater City Fees, the Water City Fees, and the Public Safety Fees (collectively, the "Fees"), no other fees or charges of any kind are due and payable to the City in connection with the development of the Property.
- 11. Manufactured Housing. Notwithstanding any other provision of this Ordinance or the Governing Regulations to the contrary, HUD-certified manufactured homes may be located within the Property, from time to time, for any purpose necessary for the creation or administration of the District (including, but not limited to, providing qualified voters within the District or qualifying persons to serve on the Board of Directors of the District). Owner will notify the City of the location of, make and model of, HUD number for, and 911 address of each home within 30 days after the home is occupied. Manufactured homes permitted by this Agreement: (a) are not required to be located on a platted lot; (b) do not require a building permit; (c) do not require a certificate of occupancy; (d) do not otherwise have to comply with the Governing Regulations; (e) do not require any permit or other approval by the City; (f) are not subject to payment of any of the Fees; and (g) will be promptly removed when no longer needed for the creation or administration of the District. Manufactured homes permitted by this Ordinance must have adequate access for fire protection.
- 12. Water Wells. Water wells may be drilled within the Property to provide irrigation water and water for domestic use, including, but not limited to, use by the residents of the manufactured housing described in the prior section; subject, however, to all applicable rules and regulations of Rockwall County and the TCEQ.
- 13. Director Qualifying Lots. Notwithstanding any other provision of this Ordinance or the Governing Regulations to the contrary, the conveyance, from time to time, by metes and bounds or otherwise of any portion of the Property to any person for the purpose of qualifying such person to be a member of the board of directors of the District shall not be considered a subdivision of land requiring a plat or otherwise requiring the approval of the City; provided, however, no Structure, other than manufactured housing authorized by this Ordinance, shall be constructed on any property conveyed for such purpose unless and until a plat of such portion has been approved by the City in accordance with the Governing Regulations.

Exhibit C Concept Plan

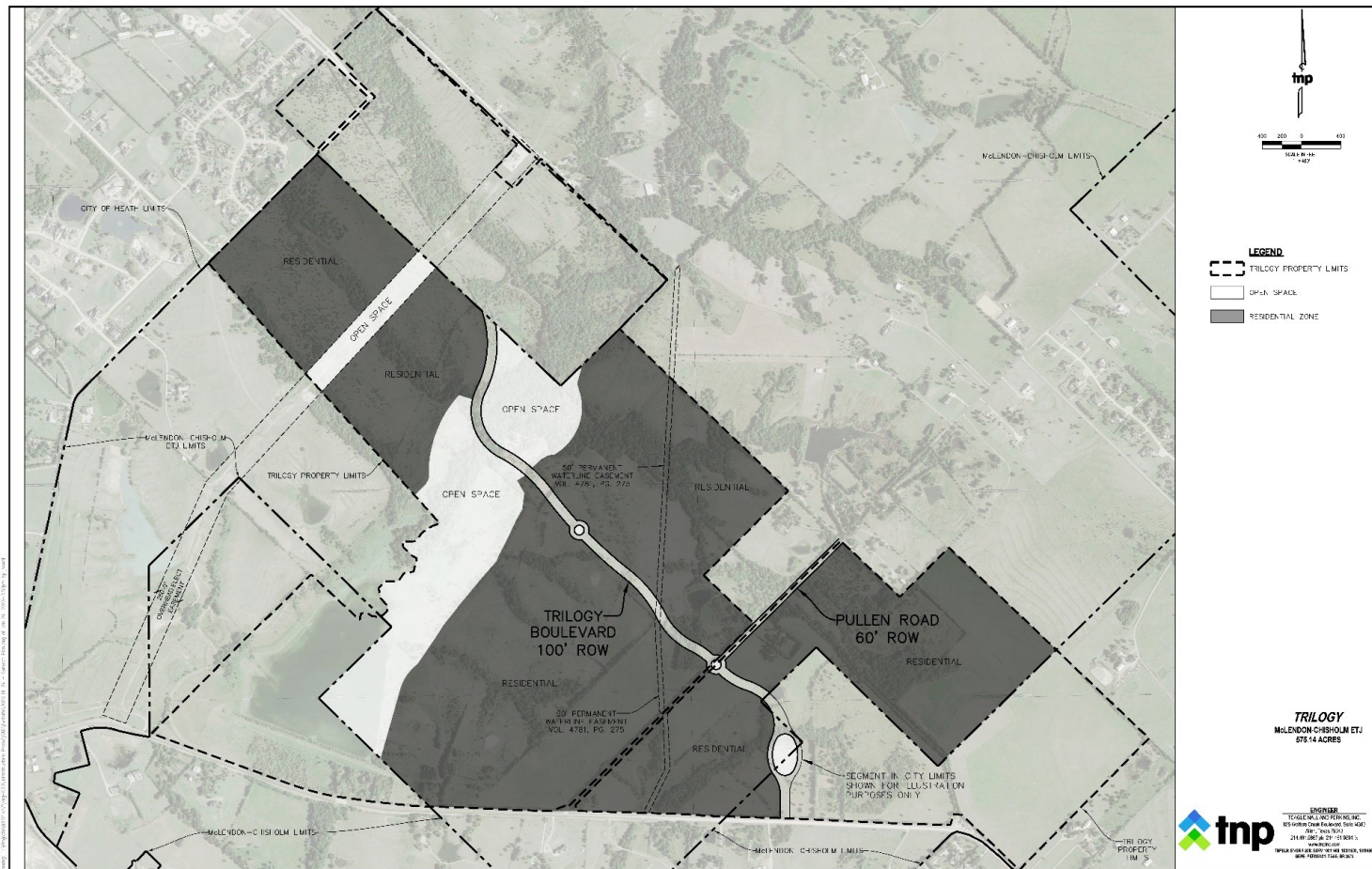


Exhibit D
Development Regulations

1. **Definitions.**

- a. Alley means a publicly or privately owned access way that provides access to the rear of a lot and functions as a traditional alley.
- b. City Administrator means the City Administrator or his or her designee.
- c. Concept Plan means the concept plan attached to this Ordinance as **Exhibit C**, as amended in accordance with this Ordinance.
- d. Front entry garage means a garage accessed from the street in front of a single family detached home. This term does not include side entry or j-swing garages.
- e. Open space means generally undeveloped property that can be used for active or passive recreation, is publicly or privately owned and maintained, is accessible by the residents of the Property or by the general public, and is designated as open space on an approved final plat.
- f. Property means the property described on **Exhibit A** of this Ordinance.
- g. Single family detached means a single dwelling unit on a platted lot that is not physically attached to any other dwelling unit (excluding an accessory dwelling unit).

2. **Permitted Uses.**

- a. The following uses shall be permitted in the areas designated "Residential Zone" on the Concept Plan:
 - i. Single family detached.
 - ii. Public safety buildings.
 - iii. School, public or private (elementary, middle, or high school, home school, day care).
 - iv. Model homes.
 - v. Accessory uses and structures, including, but not limited to buildings, garages, patio covers, pergolas, decks, carports, fences, signs, swimming pools, spas, antenna, satellite dishes, game courts, flagpoles).
 - vi. Accessory dwelling units that are accessory to single family detached uses located on lots with a width greater than 59 feet. An accessory dwelling unit shall not exceed 750 square feet in floor area, and shall be located on the same

lot as the principal use. A separate meter is permitted, but not required, for the accessory secondary living units.

- vii. Accessory home occupations, which shall conform to the Zoning Ordinance with respect to regulations specific to accessory home occupations.
 - viii. Sales office.
 - ix. Amenity Centers. Accessory private community center is permitted as an accessory use to an amenity center. An accessory private community center may include a restaurant or coffee shop open to members and their guests and may include a banquet facility that may be rented for special occasions, such as wedding receptions and parties. This use may include recreational uses and amenities, including, but not limited to, swimming pools and tennis courts. An amenity center may include one or more food trucks.
 - x. Temporary Residential Sales Office, Temporary Construction Office, and Model Homes. A residential real estate sales office and/or construction office, located on a platted lot, may be permitted within a subdivision for which building permits have been issued and may be located either in a model home, in a temporary building, or in a portable trailer. Model homes are permitted within a subdivision for which building permits have been issued. A permit for a temporary residential sales office, construction office, or a model home may be issued for no more than one year, but shall be automatically extended for so long as the builder maintains active and continuous sales or construction activities within the subdivision and a minimum of five lots in the subdivision remain unsold. Such sales office shall be used for sales in the subject subdivision only and not for sales in any other subdivision.
 - xi. Farmers market.
- b. The following uses shall be permitted in the areas designated "Commercial Zone" on the Concept Plan:
- i. The following nonresidential uses:
 - A. All uses permitted by right in the NC Neighborhood Commercial District pursuant to the Zoning Ordinance are permitted by right without conditions.
 - B. All uses permitted by SUP in the NC Neighborhood Commercial District pursuant to the Zoning Ordinance are permitted by SUP.
 - C. Restaurant, drive-in or drive-thru
 - D. Restaurant/refreshment stand (temporary or seasonal)
 - E. Retail uses of any type and size

- F. Service uses of any type, such as nail salons, hair salons, and similar uses providing services to the public
 - G. Pharmacy
 - H. Office (business, professional, or medical)
 - I. Fuel sales, with or without a convenience store
 - J. Furniture repair
 - K. Bank or other financial institution
 - L. Accessory banking
 - M. Florist
 - N. Veterinary clinic or hospital with or without outside kennels and boarding
 - O. Day care
 - P. Farmers market
 - Q. Accessory uses and structures
- c. In the area designated "Open Space" on the Concept Plan, as well as any other location within this planned development, parks, trails, active and passive open space, and other recreational amenities, uses, and improvements are permitted, including, but not limited to, all uses and structures referenced in Section 8 below.
 - d. Agricultural uses are permitted at any location within the Property, and may include, but are not limited to, raising crops and livestock, livestock services (including horses), and landscape/horticulture services.
 - e. Real estate development field offices and sales offices are permitted at any location without any time limit, and may be located in a temporary building or portable trailer.
 - f. Temporary construction yards are permitted during ongoing construction within the Property, and locations shall be approved by the City Administrator, with such approval not to be unreasonably withheld, conditioned, or delayed.
 - g. Concrete or asphalt batch plant, temporary associated with development of the Property, are permitted at any location, and the locations shall be approved by the City Administrator with such approval not to be unreasonably withheld, conditioned, or delayed.

4. Residential Development Standards. The requirements in this Section 4 shall apply to single family residential development:

- a. Table 1 below contains the exclusive lot size, setback, lot coverage, density, garage orientation, building height, and dwelling unit size requirements for residential development.
- b. Single family detached homes and duplexes shall comply with the anti-repetition requirements on **Exhibit F**. At least 10 percent of an elevation must be different, or it will be considered to be a repeated elevation.
- c. Each single family detached home shall be serviced by a central cluster mailbox located at a street intersection as approved by the US Postal Service. Mailbox designs shall be similar to the design shown on **Exhibit G**.
- d. All streets shall have street lights chosen from the standard street lighting guide of the electric provider.
- e. The front most portion of a residential front entry garage shall not extend more than three feet in front of the front facade or the front porch of a single family detached home.
- f. All residential rear entry garage doors must be a minimum of 20 feet from the edge of the right-of-way.
- g. All residential side and front entry garage doors for all permitted uses must be a minimum of 22 feet from the edge of the right-of-way.
- h. Each single family detached home shall have a minimum of two enclosed garage parking spaces.
- i. Front entry garage doors on a single family detached home shall be recessed a minimum of six inches into the building facade in which they are located.
- j. Residential garage doors shall be clad with faux wood. Metal garage doors are prohibited on residences.

5. Non-Residential Development Standards. The requirements in this Section 5 shall apply to non-residential development:

- a. The minimum front yard building setback shall be 25 feet, measured from all streets. All other yards shall be considered side yards, and shall have a minimum building setback of 15 feet, unless adjacent to an existing residential use, in which case the minimum building setback shall be 25 feet and a six foot solid fence or screening wall shall be constructed on the non-residential lot line where residential adjacency exists.

- b. The maximum lot coverage shall be 35 percent, measured as the building footprint.
 - c. The minimum lot size for a non-residential use shall be 10,000 square feet.
 - d. The maximum building height shall be two stories and 40 feet.
 - e. An amenity center is considered non-residential development for purposes of this Section 5.
6. Residential Landscaping, Fencing, and Screening. The following requirements shall be the exclusive landscaping requirements applicable to residential development:
- a. Except as otherwise provided below in this paragraph, chain link, barbed wire, pipe, and razor wire fences are prohibited. This restriction does not apply to temporary construction fencing, fencing around a lift station or other utility uses, barbed wire fencing around cattle or other agricultural uses. The City Administrator may permit these materials for limited use in other specific circumstances if the Director finds the use of these materials to be appropriate. Vinyl and polywood fencing and manufactured fencing materials are permitted on residential lots. Vinyl coated chain link fencing is permitted in connection with a dog park or open space. Wrought iron fencing or similar open metal fencing is required where lots abut an open space or park designated on a final plat.
 - b. A minimum of one three-inch caliper canopy tree shall be planted on each residential lot or in the adjacent parkway for every 35 feet in street frontage, excluding driveways.
 - c. In addition to the requirements in subsection (b) above, each corner lot with a single family detached home shall have landscape enhancements along the side street as follows:
 - i. A three-inch caliper trees shall be planted every 35 feet within the parkway, and a minimum of one five-gallon evergreen shrub shall be planted every five feet on center along the fence facing the side street.
 - ii. Trees may be planted between a sidewalk and curb. When trees are planted within the parkway, there shall be a minimum of five feet between the curb and sidewalk.
 - d. Shrubs are required to be planted in the areas shown on **Exhibit P.**
 - e. Berms, shrubs, trees, and groundcover are permitted in medians.
 - f. When the back or side of a single family residence abuts a collector road, screening will be provided in the form of a minimum six-foot tall board on board fence with the finished side facing the street, which shall be constructed by the home builder and shall have consistent materials and a consistent design along all

collector streets. A collector road shall be defined as a road having a divided two-lane boulevard connecting major off-site roadways. The term "divided" means divided by a raised median.

- g. A minimum of one three-inch caliper ornamental or canopy tree, or three eight-foot tall ornamental trees, shall be planted for every 50 linear feet of street frontage or fraction thereof along perimeter arterial and collector thoroughfares in the parkway. Trees may be planted in clusters to create a natural appearance along perimeter arterial and collector streets.
- h. Entryways into and exits from the Property shall be landscaped with grass, shrubs, and trees.
- i. Landscaping at entryways into the Property shall be designed so as to avoid an impairment of visibility of operators of motor vehicles entering and exiting the subdivision when the plant materials reach full maturity.
- j. The developer and/or a homeowners' association shall be responsible for the perpetual maintenance and upkeep of all landscaped areas that are not contained within residential lots.
- k. Landscaped areas at entryways into the Property shall be planted with at least one shade tree (minimum four inches in caliper measured at four feet above natural grade and 16 feet in height at time of planting) for each 55 linear feet or portion thereof of adjacent exposure.
 - a. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this article, but shall be permitted in addition to required landscaping. Synthetic or artificial lawn or plant material shall be permitted within an amenity center lot.
 - b. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed.
 - c. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
 - d. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
 - e. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days period, with a one time extension not exceeding 90 days being provided upon approval of the city council.
 - f. All landscaping shall be completed and installed in accordance with the landscape plan within 90 days of a certificate of occupancy being granted. A one-time

extension not to exceed 90 days may be granted upon approval of the City Administrator or his/her designee.

- g. All required landscaping shall be from the approved plant list on Table 2 of this **Exhibit D**. The City Administrator may approve the use of additional plants that are not on Table 2 to satisfy landscaping requirements.

7. Non-Residential Landscaping and Screening. The following requirements shall be the exclusive landscaping requirements applicable to non-residential development:

- a. A minimum of 20 percent of each platted lot developed with a non-residential use shall be landscaped with a combination of grass, shrubs and trees. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.
- b. A minimum of ten percent of the gross area within a parking lot shall be planted with living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks. Such landscaping shall be counted towards satisfaction of the requirements in Section 7(a) above. Landscape material which is located within the interior of a parking lot shall be surrounded by a curb of four inches in height.
- c. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this article, except for an amenity center lot.
- d. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- e. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- f. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days period, with a one time extension not exceeding 90 days being provided upon approval of the city council.
- g. All landscaping shall be completed and installed in accordance with the landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the City Administrator or his/her designee.
- h. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this article unless part of an amenity center lot.

- i. An amenity center is considered non-residential development for purposes of this Section 7.
 - j. All required landscaping shall be from the approved plant list on Table 2 of this **Exhibit D**. The City Administrator may approve the use of additional plants that are not on Table 2 to satisfy landscaping requirements.
- 8. **Parks and Open Space.** The parks, trails and open space requirements of the Development Agreement shall be the sole and exclusive parks, trails, and open space requirements for the Property, except that **Exhibit H** of this Ordinance represents the Parks, Open Space, and Trail Plan for the Property. No other park land dedication, park fee, or park improvement requirements shall apply to the Property.
- 9. **Street Sections.** Non-standard street sections are permitted as shown on **Exhibit I**. Minimum median width may be ten feet.
- 10. **Street Signs.**
 - a. Street signs shall be maintained by the homeowners association or the District until the subdivision is accepted by the City.
 - b. Alternative street signs may include a non-standard color, font, and text size that varies from standard City street signs. Alternative street signs shall be reviewed and approved by city staff and must follow the Manual on Uniform Traffic Control Devices (MUTCD).
- 11. **Miscellaneous.**
 - a. Front entry and rear entry (alley-served) residential types are permitted.
 - b. The master developer and homeowners association ("**HOA**") are hereby granted a license to use the public right of way within the Property boundaries for the exclusive purpose of constructing, operating, repairing and maintaining the following improvements and any improvements reasonably related thereto or necessary for the operation thereof: street and pedestrian lighting, public seating areas, landscaping and related amenities, including fountains, monuments, statues, or other public artwork, street furniture, including benches, drinking fountains, trash containers, tunnels; security cameras, bollards, temporary construction barricades, underground duct banks, pedestrian bridges and overpasses, arches, string lighting or other decorative lighting, wiring, and similar improvements. The removal of improvements for maintenance and replacement of utilities, pavement, drainage structures, and sidewalks shall be at the developer's or HOA's expense. Prior to installing any improvement within the right-of-way, the developer or HOA shall obtain the City Administrator's approval, which approval shall not be unreasonably withheld or delayed if the improvement does not unreasonably interfere with the public use of the right-of-way.
 - c. Development shall comply with the architectural guidelines on **Exhibit J**.

- d. Trash can pads shall be provided as shown on **Exhibit K**.
- e. Address plaques will be installed on each home in a design similar to that shown on **Exhibit L**.
- f. Residential fencing details shall comply with **Exhibit M**.
- g. Realtor and builder sign design shall conform to the specifications on **Exhibit N**.
- h. Sidewalks shall comply with **Exhibit O**.
- i. To the extent possible, the developer will work with the electric provider to utilize street lighting that is consistent with Dark Skies Community Standards.

Table 1

Development Standards Table for Single Family Residential

Residential Type	Examples of Residential Type*	Minimum Lot Area (SF)	Minimum Lot Width (ft)	Minimum Lot Depth (ft)	Maximum Number of Stories	Garage Orientation	Max Density Based on Gross Acre	Minimum Front Yard Building Setback (ft)**	Minimum Interior Side Yard Building Setback (ft)	Minimum Corner Side Yard Building Setback (ft)	Minimum Rear Yard Setback Building (Home)	Maximum Lot Coverage (%)	Minimum Dwelling Unit Size (SF)	Special Conditions
SF-D2	Single Family Detached (executive homesites side drive: attached/detached garage)	5000	50	110	2	Side/ Alley	5	15	5	10	5	75	1750	Except for zero lot line types where 10' minimum side setback is required on one side and zero feet on the other
SF-D2	Single Family Detached (executive homesites front loaded)	5000	50	110	2	Front	5	20	5	10	5	75	1750	Except for zero lot line types where 10' minimum side setback is required on one side and

Residential Type	Examples of Residential Type*	Minimum Lot Area (SF)	Minimum Lot Width (ft)	Minimum Lot Depth (ft)	Maximum Number of Stories	Garage Orientation	Max Density Based on Gross Acre	Minimum Front Yard Building Setback (ft)**	Minimum Interior Side Yard Building Setback (ft)	Minimum Corner Side Yard Building Setback (ft)	Minimum Rear Yard Setback Building (Home)	Maximum Lot Coverage (%)	Minimum Dwelling Unit Size (SF)	Special Conditions
														zero feet on the other
SF-D3	Single Family Detached (manor homesites)	6000	60	115	2	All	4	20	5	10	5	75	2000	Garage setback is subject to Section 4 of this Exhibit D
SF-D4	Single Family Detached (chateau homesites)	7000	70	125	2	All	3.5	25	5	10	5	75	2500	Garage setback is subject to Section 4 of this Exhibit D

Notes to Table 1:

***Exhibit F** includes drawings illustrating each residential type for illustrative purposes only. Homes are not required to be designed as illustrated.

******The minimum front yard building setback for all rear entry homes shall be 15 feet, or 12 feet if a front porch is provided, in which case the front porch must comply with the minimum front yard building setback.

Notes:

All rear entry garage doors must be a minimum of 20 feet from the edge of the right-of-way. All side and front entry garage doors must be a minimum of 22 feet from the edge of the right-of-way.

When the rear yard of a front entry single family residential lot is contiguous to the lot line of a developed single family residential lot located outside the PD boundaries, a minimum rear yard building setback of 25 feet shall be required.

Exception to minimum setback: Minimum side yard building setback to detached garages or accessory buildings may be reduced to three feet when a greater setback would otherwise be required.

Permitted encroachments into minimum building setbacks: porches (up to eight feet into front yard setback and corner side yard setback, provided, however, no less than a 12-foot setback from the property line shall be permitted on any lot that requires a 12-foot or larger front yard setback); fireplaces and box windows up to two feet into all setbacks; balconies, awnings, overhang eaves up to two feet into all setbacks); bay windows up to four feet into front and rear yard setbacks; stoops and stairs up to five feet into front and rear yard setbacks; suspended planter or flower boxes up to 24 inches into all setbacks; and foundation encroachments of up to six inches in all setbacks for architectural details such as brick ledges.

Swimming pools shall have a minimum five-foot setback from rear and side property lines; however, such setback only applies to the swimming pool, and not to associated decking or paving around a swimming pool.

Plats for zero lot line homes shall designate the side with the zero-foot building setback and the side with the minimum ten-foot building setback. A five-foot maintenance easement shall also be provided along the lot line adjacent to a neighboring lot's zero setback side. The maintenance easement shall include a drainage easement to allow for lot-to-lot drainage.

Table 2
Approved Plant Species List

Approved/Recommended Plant List¹	
Common Name	Scientific Name
Canopy Trees	
Ash, Texas	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer gradidentatum
Maple, Caddo	Acer saccharum
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergil
Oak, Escarpment Live	Quercus fusi formis
Oak, Lacey	Quercus glaucoides
Oak, Live	Quercus virginiana (Escarpment)
Oak, Post	Quercus stellata
Oak, Red	Quercus shumardi
Oak, Texas Red	Quercus texana
Osage Orange	Maclura pomifers (thornless and fruitless)
Pecan (native)	Carya illinoensis
Pistache*, Chinese	Pistacia chinensis
Soapberry, Western	Sapindus drummondii
Walnut, Black	Juglans nigra
Ornamental Trees	
Buckeye, Mexican	Ungnadia speciosa
Buckeye, Texas	Aesculus glabra var. arguta
Buckthorn, Carolina	Rhamnus caroliniana

¹ The list in Table 2 also includes cultivars of all listed plant types.

Chaste Tree*	Vitex agnus-castus
Crabapple, Prairie	Pyrus ioensis
Crape Myrtle*	Lagerstroemia indica
Eves Necklace	Sophora affinis
Goldenball Leadtree	Leucaena rietusa
Hawthorne*	Crataegus phaenopyrum
Hawthorne*	Crataegus crus-galli
Hawthorne*	Crataegus reverchonii
Holly, Possumhaw	Ilex deciduas
Indigo, False	Amorpha fruticosa var. angustipolic
Mountain Laurel, Texas	Sophora secundiflora
Persimmon, Texas	Diospyros texana
Plum, Mexican	Prunus mexicana
Redbud	Cercis canadensis
Smoketree	Cotinus obovatus
Smoketree*	Cotinus caggyria
Sumac, Prairie Flame-leaf	Rhus lanceolata
Viburnum, Rusty Blackhow	Viburnum rufidulum
Wax Myrtle	Myrica cerifera
Willow, Desert	Chilopsis linearis
Yaupon Holly	Ilex vomitoria
Brodie Juniper	Eastern Red Cedar
Arizona Cypress	Spartan Juniper
Taylor Juniper	Canaert Juniper
Shrubs	
Agarita	Berberis trifoliolata
Althea	Hibiscus syriacus
American Beautyberry	Callicarpa americana`
Aspidistra	Aspidistra eliator
Barberry, Red	Berberis thunbergii
Barberry, Texas	Berberis thunbergii
Bayberry	Myrica pensylvanica

Bird of Paradise	Caesalpinia gilliesii
Burning Bush	Euonymus alata compacta
Butterfly Bush	Buddleia sp.
Cactus, Prickly Pear	Opuntia phaceacantha
Cenizo	Leucophyllum frutescens
Chokeberry, Red	Aronia arbutifolia
Coralberry	Symphoricarpos obiculatus
Dogwood, Rough Leaf	Cornus drummondii
Elaeagnus	Elaeanus macrophylla
Forsythia	Forsythia sp.
Germander, Upright	Teucrium chamaedrys
Holly, Dazzler	Ilex cornuta 'Dazzler'
Holly, Dwarf yaupon	Ilex vomitoria
Holly, Nellie R. Stevens	Ilex x 'Nellie R. Stevens'
Honeysuckle, Bush	Lonicera fragrantissima
Hydrangea, Oakleaf	Hydrangea quercifolia
Hypericum, Upright	Hypericum patulum
Jasmine, Italian	Jasmine nudiflorum
Lantana	Lantana horrida
Mahonia, Leatherleaf	Mahonia bealeii
Mimosa, Fragrant	Mimosa borealis
Nandina, Compact	Nandina domestica compacta
Nandina, Gulfstream	N.d. 'Gulfstream'
Nandina, Standard	N. domestica
Pavonia	Pavonia lasiopetala
Photinia, Chinese	Photinia serrulata
Privet, Southern River	Ligustrum vulgare
Privet, Variegated	Ligustrum luicidum 'variegata'
Quince, Flowering	Chaenomeles japonica
Sage, Cherry	Salvia greggii
Spiraea, Bridal Wreath	Spiraea sp.
Spiraea, Anthony Waterer	Spiraea x bumalda 'goldflame'

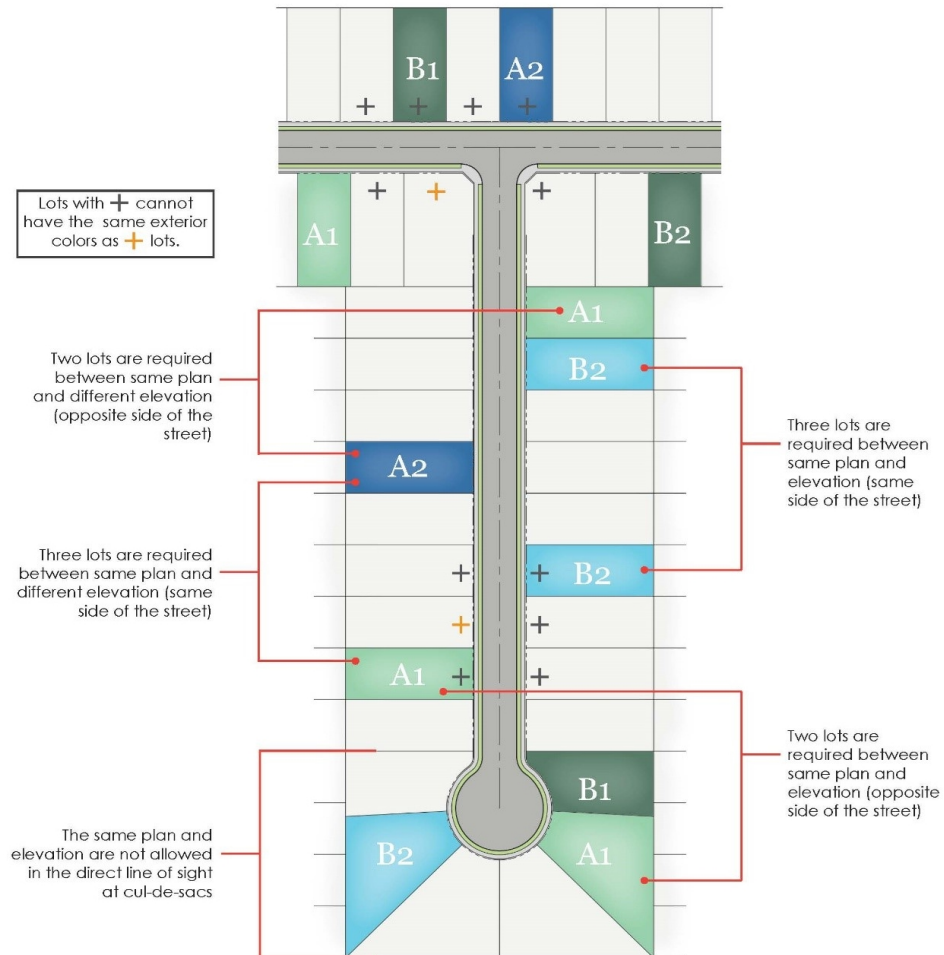
Spiraea, Goldflame	Spiraea x bumalda 'goldflame'
Spiraea, Little Princess	Spiraea x bumalda 'Little Princess'
Spiraea, Shirobana	Spiraea japonica 'Shirobana'
Sumac, Aromatic	Rhus aromatica
Sumac, Evergreen	Rhus virens
Sumac, Smooth	Rhus glabra
Turk's Cap	Malvaviscus drummondii
Viburnum, Cranberry Bush	Viburnum opulus
Viburnum, Small Leaf	Viburnum obavatum
Viburnum, Snowball	Viburnum opulus
Virginia Sweetspire	Itea virginica
Wax Myrtle, Dwarf	Myrica pusilla
Yucca, Red	Hesperaloe parviflora
Eagleston Holly	Texas Sage
Abelia	Agave varieties
Seagreen juniper	Juniper varieties
Hawthorne	
Ornamental Grasses	
Maiden Grass	Feather Reed Grass
Zebra Grass	Bluestem
Pampass Grass	Liriope
Gulf Muhly	Berkley Sedge
Blue Gramma Grass	Giant Bermuda
Weeping Love Grass	Inland Sea Oats
Vines	
Carolina Jessamine	Asian Jasmine
Butterfly Vine	Purple Wintercreeper
Crosse Vine	Purple Heart Wander Jew
Sweet Autumn Clematis	

An “*” indicates an approved street tree

Exhibit E
Special Regulations

The "Special Regulations" as defined and set forth in the Development Agreement shall apply to the Property, and shall control in the event of any conflict with the Subdivision Regulations. In addition, lots may be platted to the centerline of a street.

Exhibit F **Repetition Restrictions**



Repetition Guidelines are as follows:

Same side of street -

- Same plan, same elevation must have 3 lots in between.
- Same plan, different elevation must have 3 lot in between

Opposite side of the street -

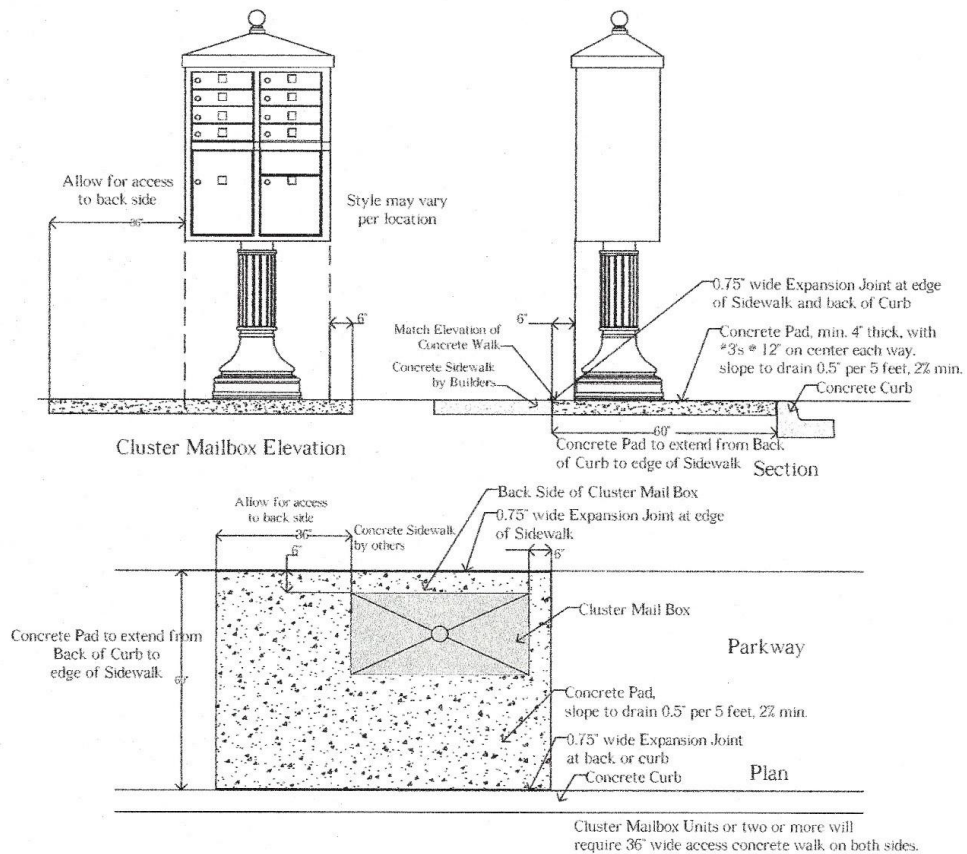
- Same plan, same elevation must have 2 complete lots in between.
- Same plan, different elevation must have 2 complete lot in between.

Exterior colors

- Exterior colors may not be the same side by side, or in direct line of sight, regardless of plan or elevation. Direct line of sight refers to the 3 lots directly across the street.

Exhibit G
Mailbox Design

Mailbox Design



Manufacturer:
Brandon Industries
1601 Wilmeth Road
McKinney, Texas 75069
214-542-3000

Color: Black
Style: Cluster Box Units (CBU)
Type: Depending on location and
number of Tenants and Parcels
Top Style: Sloped with ball cap
Base: Decorative
Include: Required Anchor Bolts

Exhibit H Parks, Open Space, and Trail Plan

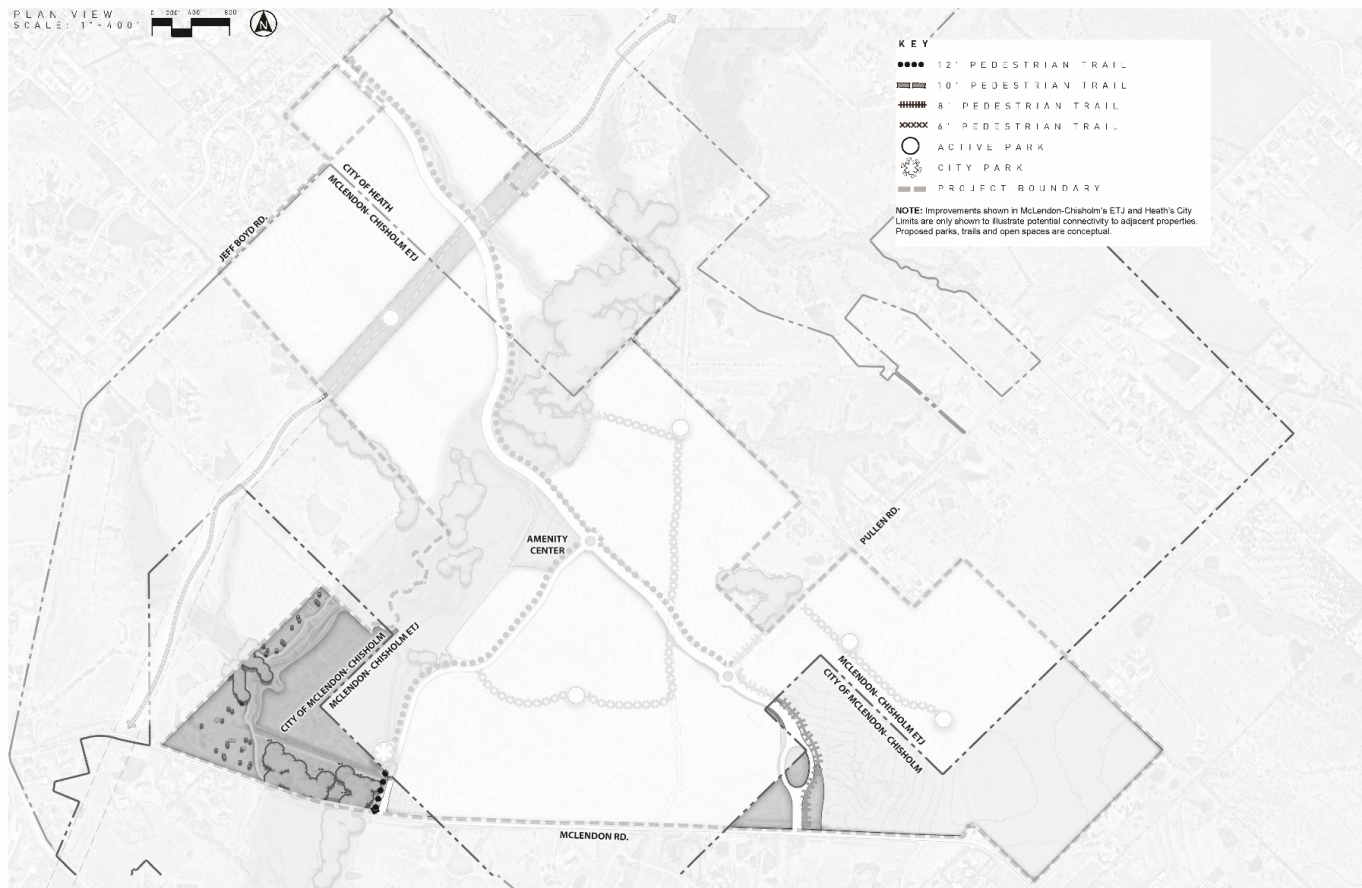


Exhibit I Street Sections

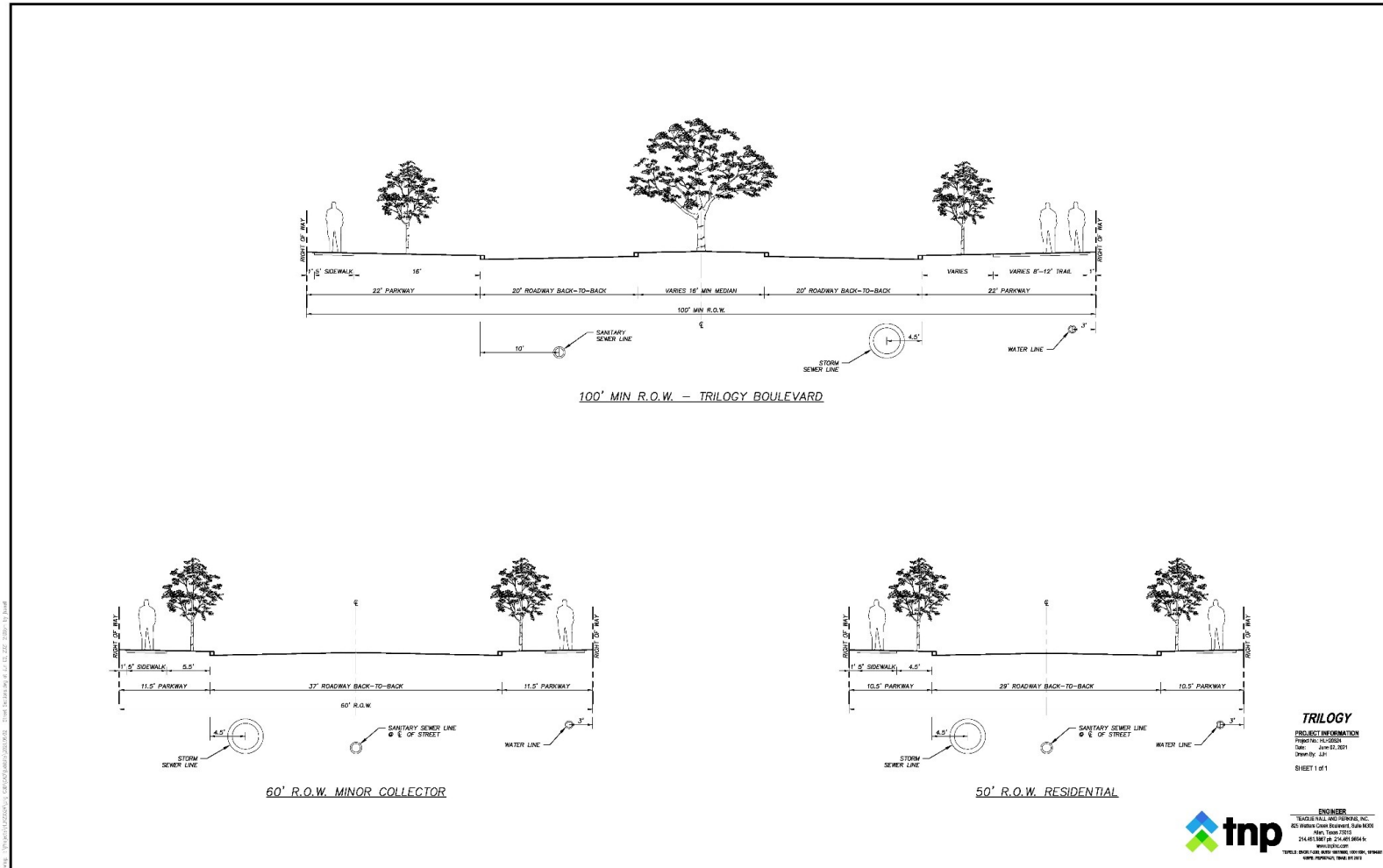


Exhibit J
Architectural Guidelines

1. Design Standards.

- a. Applicability of Other Design Standards. The design standards in this section are the exclusive design standards applicable to the Property, and apply only to principal buildings. An accessory building shall be designed consistent with the building materials used for the principal building on the same lot, but shall not otherwise be regulated by the design standards in this section.
- b. Approved Building Materials. In the context of approved building materials, a facade does not include doors, fascia, windows, chimneys, dormers, window box-outs, bay windows, soffits, eaves, and outdoor fireplaces. Multiple buildings on the same lot will each be deemed to have separate facades.
 - i. A minimum of 90 percent of each exterior building facade shall consist of one or more of the following building materials (subject to further restrictions in facade area set forth below for cementitious fiber board and EIFS):
 - 1. Stone, brick or tile laid up unit by unit and set in mortar;
 - 2. Stucco (exterior Portland cement plaster with three coats over metal lath or wire fabric lath or other methods approved by the City Administrator as equal or better quality in durability);
 - 3. Natural stone, cultured stone, or cast stone;
 - 4. Architecturally finished block (i.e. burnished block or split faced concrete laid up unit by unit and set in mortar), which shall be limited to the amenity center and other non-residential buildings;
 - 5. Cementitious fiber board. Cementitious fiber board is permitted subject to the following conditions: the style and color of a building using this product must be approved as part of a site plan, no more than 20 percent of the residential buildings in the Property may have a facade that is predominantly composed of this product unless the style of the home dictates more such as a Cape Cod, Craftsman or Victorian style home.
 - 6. Exterior Insulation and Finish System (EIFS), which shall be limited to the amenity center and other non-residential buildings. EIFS may be used only on that portion of a facade that is four feet or higher above grade. A maximum of 50 percent of all sides of a building visible from the street and not ultimately screened by another building or other device may consist of EIFS;

7. LEED-certified materials;
 8. Glass; or
 9. An alternative material approved by the City Administrator based on a finding that it is of a quality equal to or better than the materials listed above in durability.
- ii. A maximum of ten percent of a facade may include accent materials not listed above, except that aluminum siding, vinyl siding, unfinished concrete block, reflective glass, and galvanized steel are prohibited. The use of reflective glass and galvanized steel may be approved by the City Administrator for use on an amenity center or on other non-residential structures in unique circumstances in order to comply with green building techniques.
 - iii. The following requirement shall apply to a minimum of 50 percent of all single family residences at the time of full build out of the Property: A minimum of 25 percent of each exterior building façade shall consist of natural, cultured, or cast stone.
 - iv. The building material requirements in this section shall not apply to buildings in open space areas, including, but not limited to, an amenity center.
- c. Roofing Design and Materials.
- i. Roofing materials for sloped roofs shall be selected from the following list:
 1. Asphalt shingles;
 2. Industry approved synthetic shingles;
 3. Standing seam metal roofs;
 4. Tile roofs;
 5. Slate roofs;
 6. LEED-certified roofing materials; or
 7. An alternative material approved by the City Administrator based on a finding that it is of a quality equal to or better than the materials listed above in durability.
 - ii. Amenity centers and other non-residential buildings may have flat roofs or pitched roofs. All pitched roofs of non-residential buildings shall have a

minimum pitch of 4:12. Roofs covering porches and other architectural elements are excluded from this requirement. The City Administrator may approve a roof that does not meet these requirements based on a finding that a different roof pitch is appropriate for the proposed architectural style.

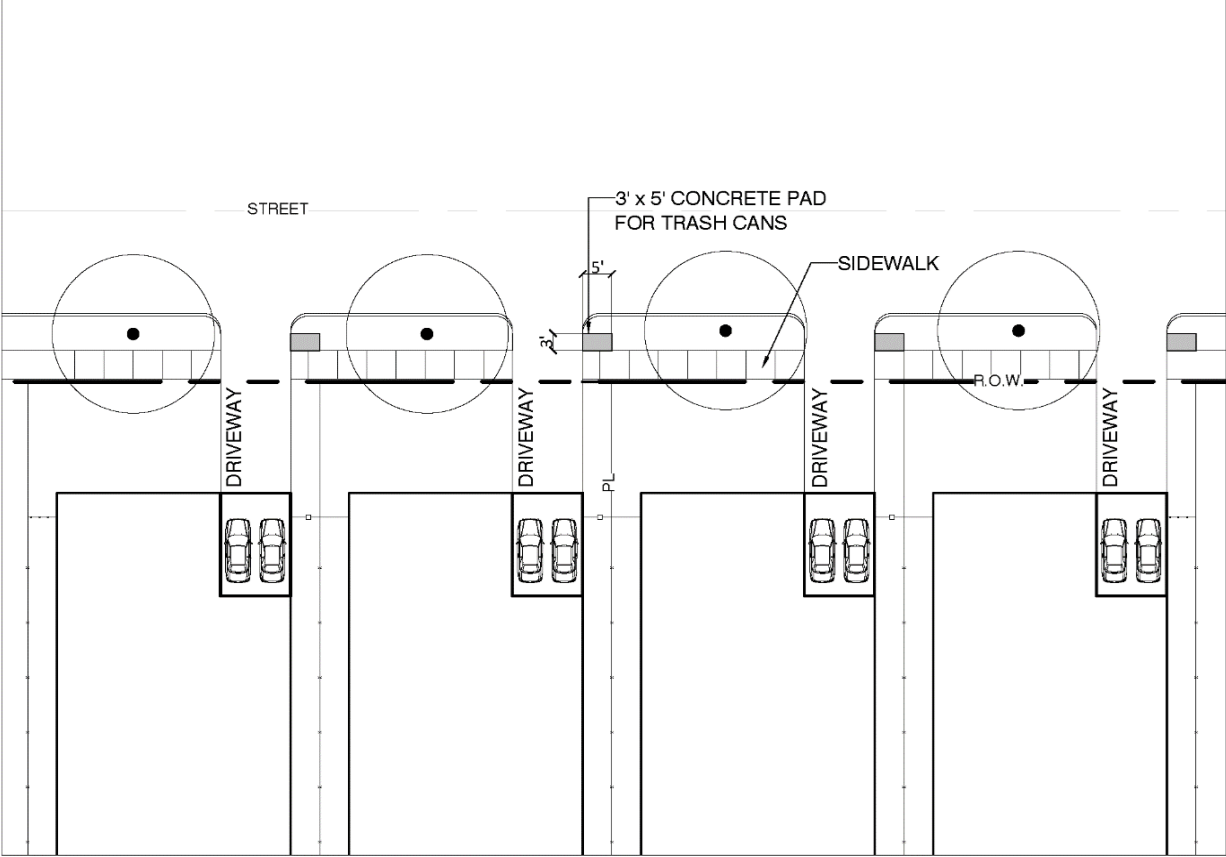
- iii. All pitched roofs of residential buildings shall have a minimum pitch of 6:12. Roofs covering porches, bay windows, box windows and other architectural elements are excluded from this requirement. The City Administrator may approve a roof that does not meet these requirements based on a finding that a different roof pitch is appropriate for the proposed architectural style.
 - iv. Flat roofs require parapet screening that adheres to vertical articulation requirements for the facade.
 - v. Parapets shall require cornice detailing.
 - vi. Each single-family detached home will have a 30-year dimensional shingle, tile, composite or metal seam roof.
- d. Design Features for Certain Residential Buildings. A minimum of four of the following design features are required on the exterior of each single family detached residential structure:
- i. Dormers;
 - ii. Cupolas;
 - iii. Gables;
 - iv. Recessed entries (minimum three feet);
 - v. Balconies;
 - vi. Covered front porches (minimum 70 square feet in area and seven feet in depth);
 - vii. Courtyards;
 - viii. Box windows or bay windows;
 - ix. Architectural pillars or posts;
 - x. Exterior chimneys;
 - xi. Varied roof heights;
 - xii. Archways;

- xiii. Porte cocheres;
 - xiv. Porticos;
 - xv. Shutters (functional or decorative);
 - xvi. Fireplaces with chimneys;
 - xvii. Minimum eight-foot tall front doors; or
 - xviii. Articulated cornice lines.
- e. Design Features for Non-Residential Buildings. Non-residential buildings shall comply with the following requirements:
- i. Cladding materials used on a facade shall extend a minimum of 20 feet around building corners onto adjacent facades, other than facades abutting an alley.
 - ii. All buildings must include at least four of the following design features, and buildings that are greater than 20,000 square feet in floor area must include at least six of the following design features:
 - A. Canopies, archways, covered walkways, or porticos;
 - B. Awnings;
 - C. Arcades;
 - D. Courtyards;
 - E. Cupolas;
 - F. Balconies;
 - G. Tower elements;
 - H. Recesses, projections; columns; pilasters projecting from the planes; offsets; reveals; or projecting ribs used to express architectural or structural bays;
 - I. Varied roof heights for pitched, peaked, sloped, or flat roof styles;
 - J. Articulated cornice line;
 - K. Arches;
 - L. Display windows, faux windows, or decorative glass windows;

- M. Architectural details, such as tile work and molding, or accent materials integrated into the building facade;
 - N. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios;
 - O. Integrated water features; or
 - P. Other similar architectural features approved by the City Administrator.
- f. Entries.
- i. All non-residential buildings shall comply with the following requirements:
 - 1. All ground floor entrances shall be covered or inset.
 - 2. Building entrances shall be articulated with architectural elements such as columns, porticos, porches, and overhangs.
 - ii. All non-residential buildings over 20,000 square feet in floor area shall incorporate elements such as arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from sun and weather for a minimum of 50 percent of the length of the building frontage along a street.
- g. Building Articulation. All non-residential building facades adjacent to and facing a street or open space shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry at least every 50 feet along a building facade. This provision shall not apply to buildings in open space areas, including, but not limited to, an amenity center.
- h. Transparency.
- i. Residential Uses. At least 25 percent of each front residential facade facing the street shall contain windows or doorways. If a lot is located on a corner, only one street-facing facade is required to meet this requirement, which shall be the street that the front facade of the home faces.
 - ii. Non-Residential Uses. At least 50 percent of each front non-residential facade facing the street shall contain windows or doorways. If a lot is located on a corner, both street-facing facades are required to meet this requirement. This provision shall not apply to buildings in open space areas, including, but not limited to, an amenity center.

Note: For purposes of this exhibit, an amenity center is considered a non-residential building.

Exhibit K
Trash Can Pads



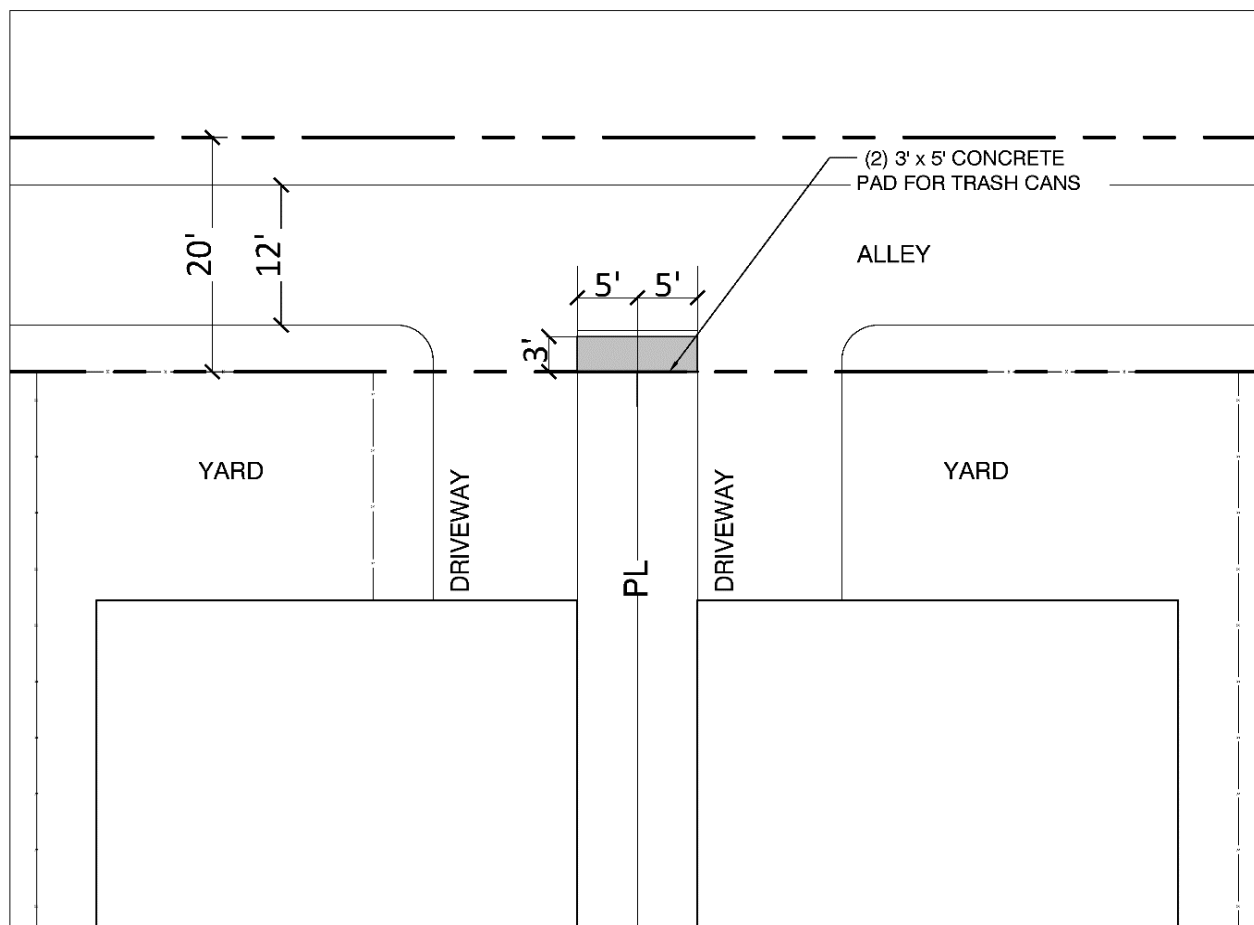


Exhibit L
Address Plaques

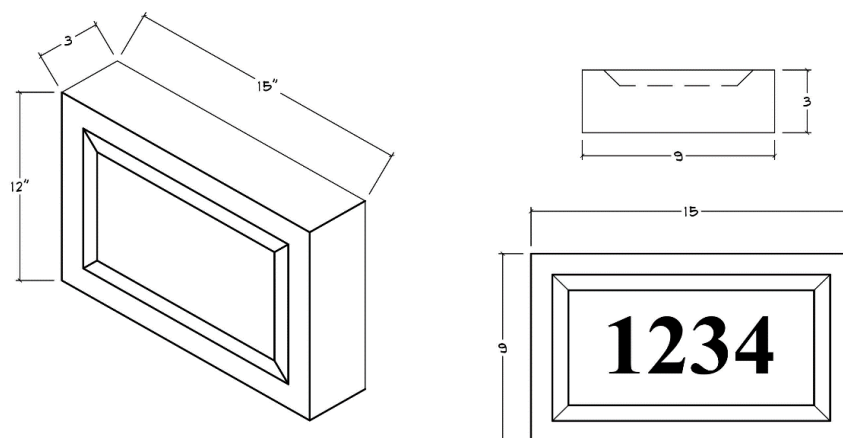
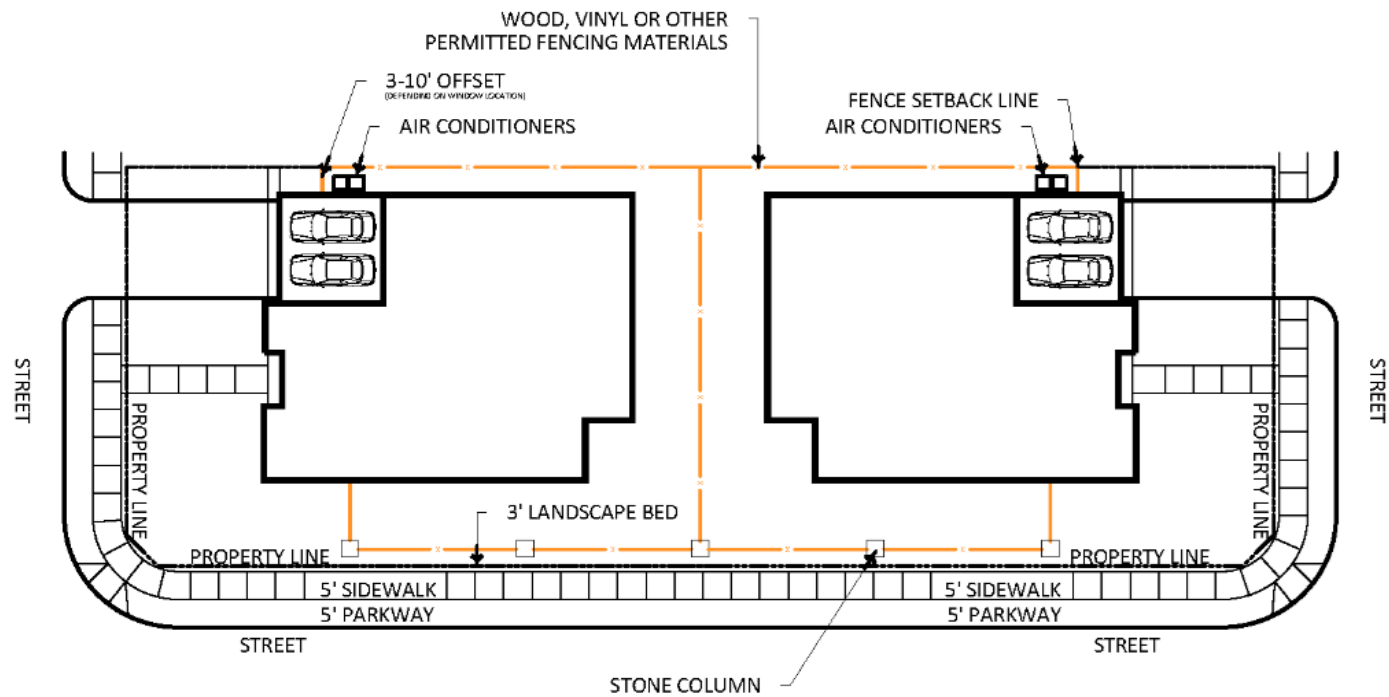
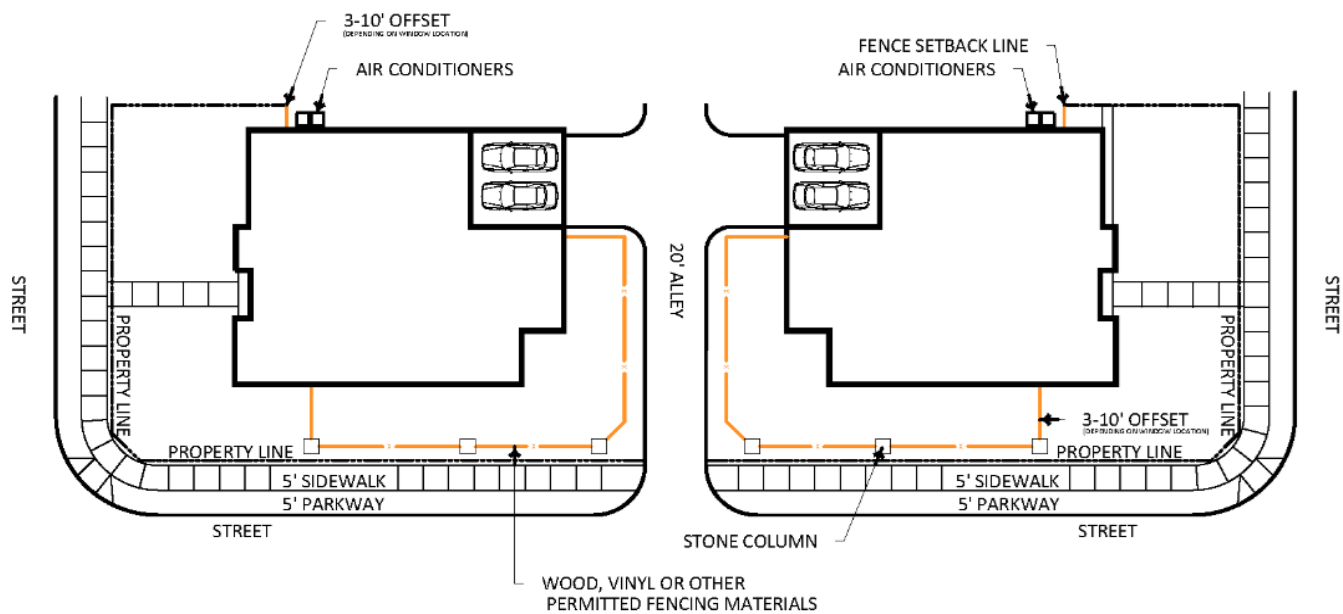


Exhibit M
Fence Design for Single Family Detached





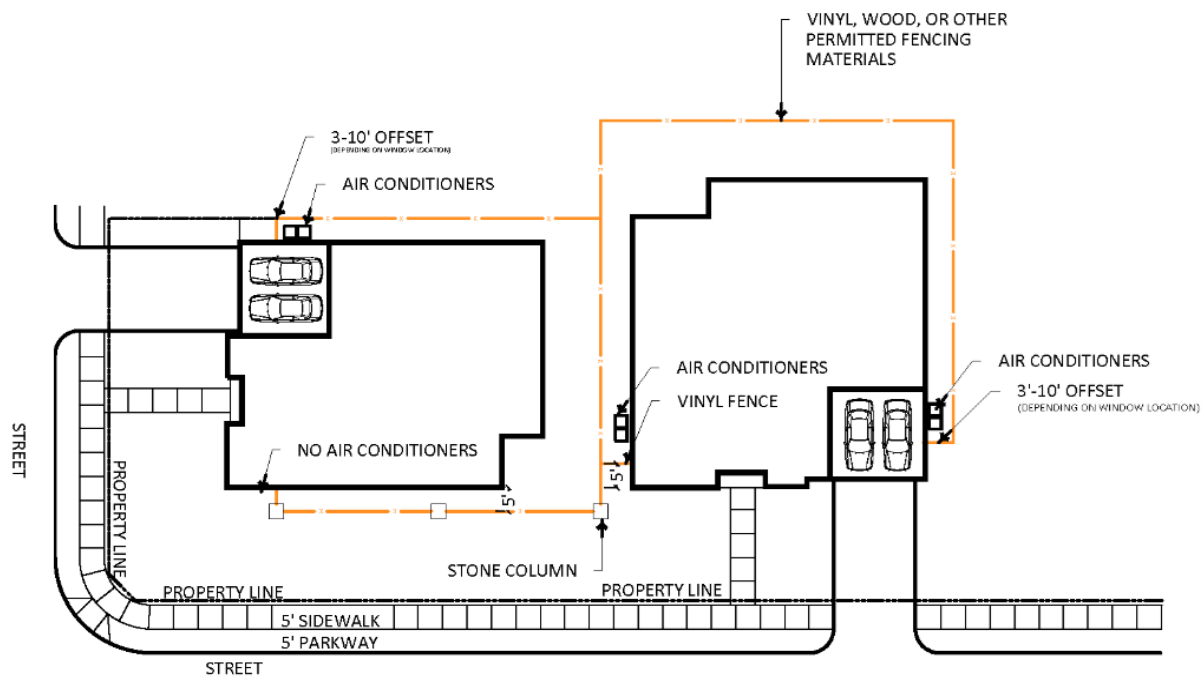


Exhibit N
Realtor and Builder Sign Specifications

TRILOGY



Exhibit O
Sidewalks

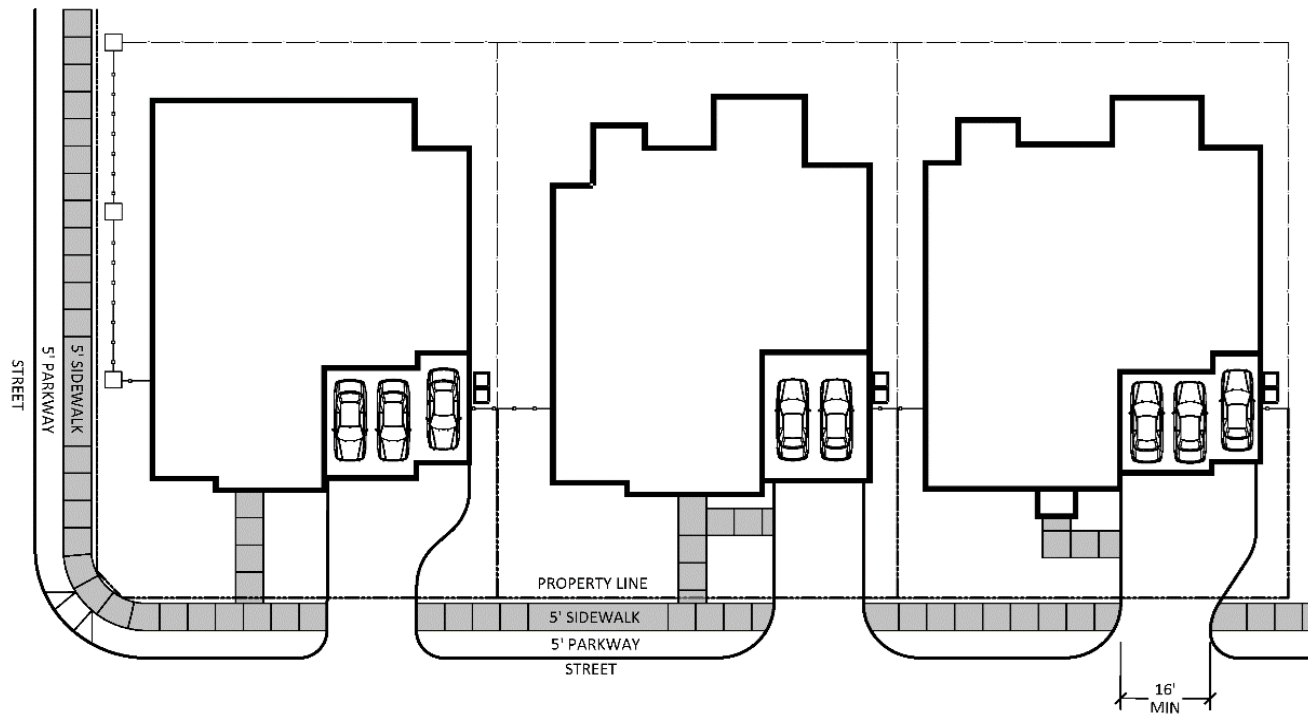
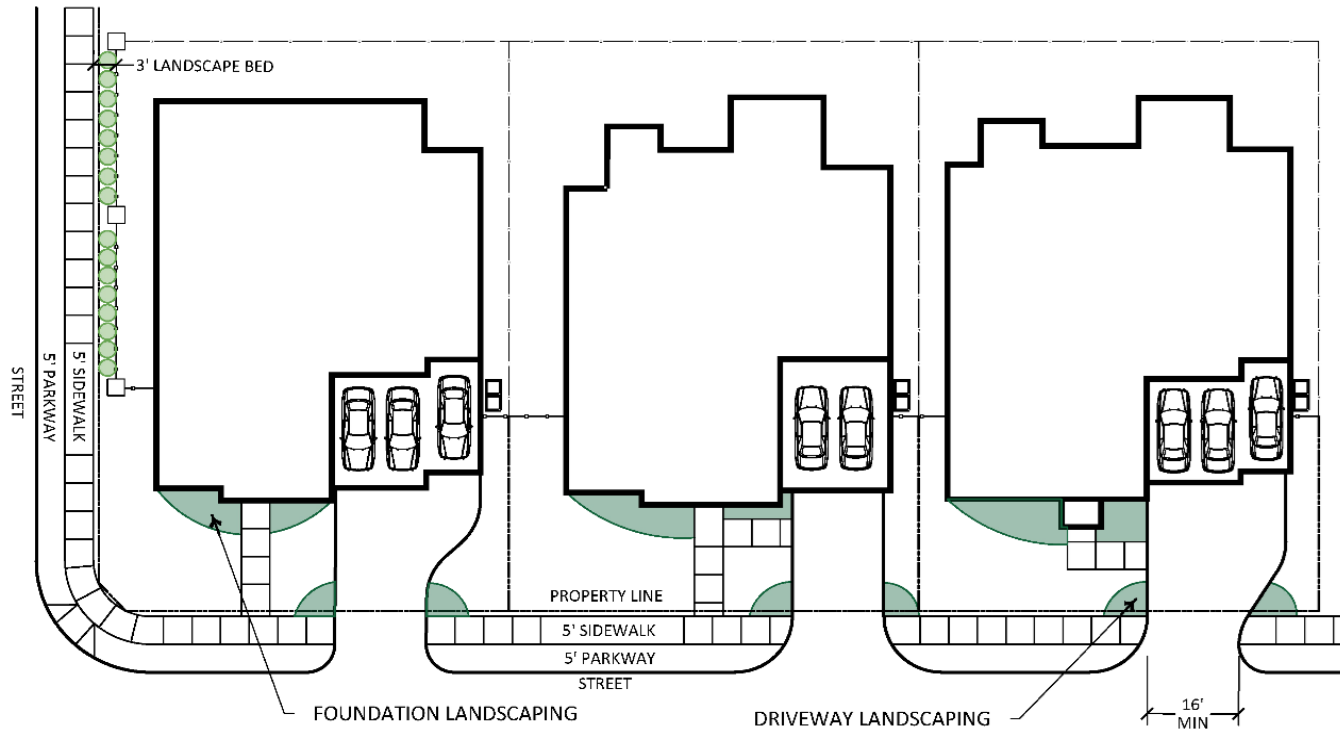


Exhibit P
Shrub Planting Locations





City of McLendon-Chisholm
1371 West FM 550 - McLendon-Chisholm, Texas 75032
TEL: (972)524-2077 FAX: (972)524-9128

SPECIFIC USE PERMIT APPLICATION

Date of Application: 1/18/23

Receipt # _____

Fee: \$400 + ALL consultant Costs. Consultant costs includes City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City.

Address and/or Location of Request: 1.5 acre lot at the SE corner of SH 205 and FM 550 _____

Property Legal Description: LOT 1, BLOCK 1, OF THE SH 205/550 ADDITION _____

County Parcel ID: 101321

Existing Zoning: GB Requested Zoning: GB

Applicant's Name: CAMERON SLOWN

Phone No. 817-889-5050 Email: CSLOWN@TNPINC.COM

Status of Applicant: Owner or Authorized Agent X

Applicant's Address: 825 WATTERS CREEK BLVD., SUITE M300, ALLEN, TX 75013 _____

Owner's Address: MFS GROUP, LLC. - 2357 JUPITER ROAD, PLANO, TX 75074

I certify that I am the owner of the property described in this petition/application and CAMERON SLOWN is the authorized agent to file this application on my behalf.

Signature of Owner:

[Signature] Date _____

Signature of Applicant:

[Signature] Date _____

Page 1 of 2

02/25/2020 Zoning Change Application and Checklist

Development Fees

The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 one-half hour complimentary professional consultation with the City Planner and/or City Engineer. These complimentary consultation(s) will be arranged by City Staff. Limit of one complimentary consultation per property.

The applicant must pay the actual fee (very small & simple projects) or deposit the estimated fee with the City prior to consultant review of any application. Should the actual consultant cost exceed the estimate, the applicant will be invoiced for amounts owed. Unused deposit monies will be refunded to applicant within 60 days of project conclusion.

ALL Consulting Costs - Includes City Planning, City Engineer, City Attorney and any other outside consultant costs incurred by the City. All outstanding fees must be paid by the applicant prior to their application being placed on the agenda of the Planning & Zoning Commission, City Council or BOA. Consultants invoice the City monthly after work is completed, so it is possible for plat applicants to receive notice of outstanding fees after a plat has been considered. The City will invoice for any remaining consulting charges. Building permits be not be issued with fees outstanding.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application. All information submitted herein is true and correct and the application fee of \$_____ to cover the cost of this application, and an initial deposit of \$_____ for consulting fees has been paid to the City of McLendon-Chisholm on this _____ day of _____, 202_.

Further, I hereby certify that I understand and agree to the development and consulting fees and costs as stated above and agree to pay all outstanding fees and costs to the City prior to the application being placed on the agenda for consideration by the Planning & Zoning Commission and/or City Council.

Signature of Applicant (Owner/Authorized Agent):



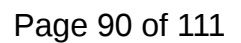
City Secretary: _____

(Seal)

CHECKLIST FOR SPECIAL USE PERMIT APPLICANT

The following items must be submitted along with the completed application before processing and scheduling.

1. Completed Application
2. Legal Description and plat of the subject site. Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper) and the subdivision name with lot and block number.
3. A location map clearly showing the site in relation to adjacent streets and distance to nearest thoroughfare.
4. Filing Fee of \$400.00 for the requested change of property + ALL consultant costs.
5. Names and Addresses of Legal Property Owners within 200 feet of property. (The City will need to send out notices of the Public Hearing)
6. If not the owner of the property, have a letter from the owner stating that the applicant is authorized to file the application.





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February 14, 2023

Mr. Michael Coker
City Administrator
1371 West FM 550
McLendon-Chisholm, TX 75032

RE: MFS Retail – SUP Application

Mr. Coker

Submitted herein is the full Specific Use Permit (SUP) Submittal for the MFS Group Retail Center located at the Southeast corner of SH 205 and FM 550. The project site is 1.51 acres and is currently zoning GB (general business).

The purpose of this SUP is to illustrate the proposed retail building and most especially the restaurant with an order ahead drive-up window. The site plan attached to this submittal shows an order ahead drive-up lane. This lane will be utilized by customers who will be picking up food orders that they have made online or over the phone. Along with the restaurant's sit-down service this order ahead drive-up lane allows for additional flexibility for food service at this site.

In times when indoor seating at restaurants was shut down, an order ahead drive-up window was a way that restaurants could remain open, employ its workers, and further serve the community.

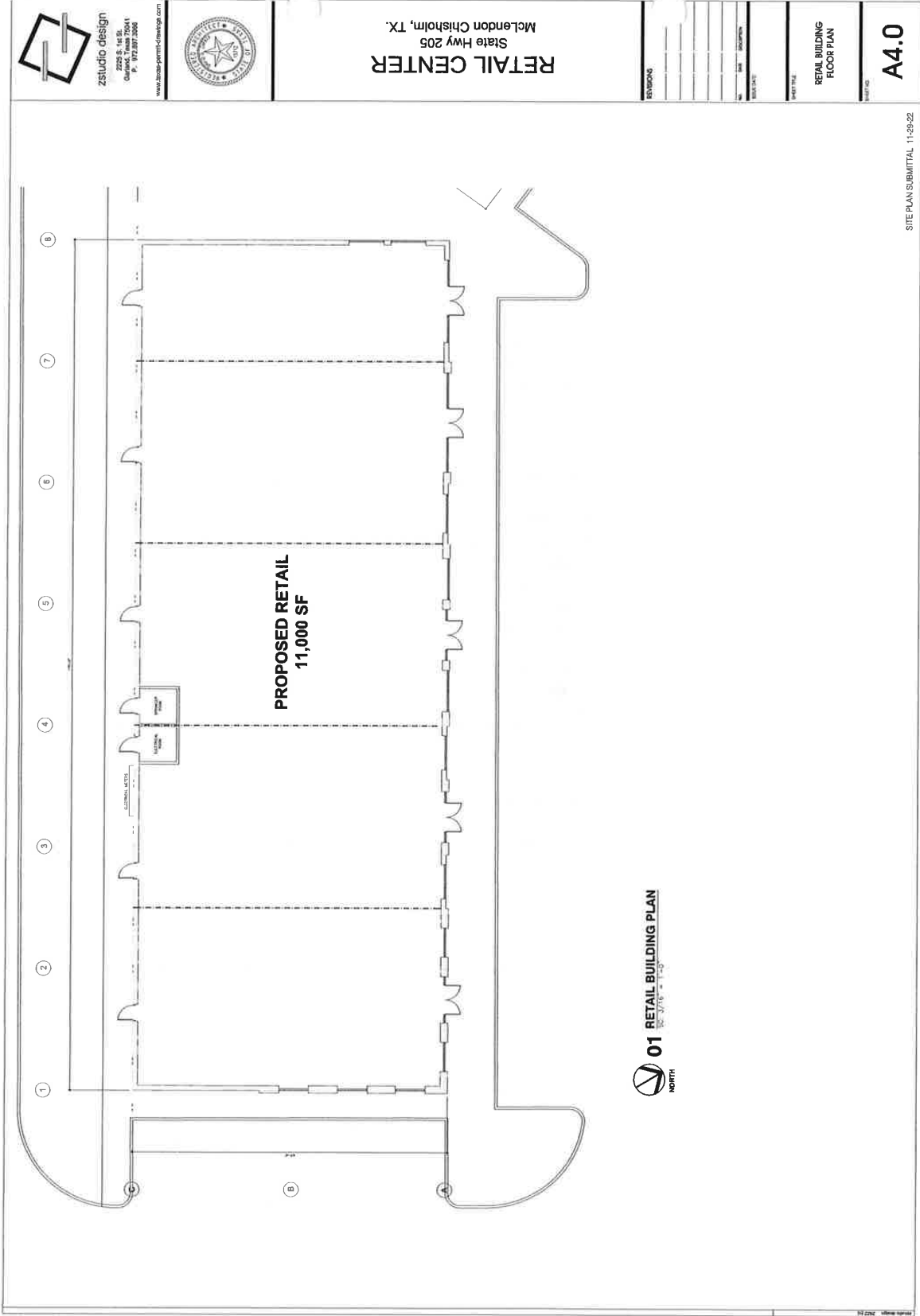
Thank you in advance for accepting this SUP package and please let me know if you have any questions.

Sincerely,

tnp

teague nall & perkins

Cameron Slown, PE
cslown@tnpinc.com



zstudio design
200 S. Main
Gainesville, Texas 76241
P. 817.267.2006

www.zstudio-design.com



RETAIL CENTER
State Hwy 205
McLendon Chisholm, TX

REVISIONS	DATE	BY	CHKD	APPD

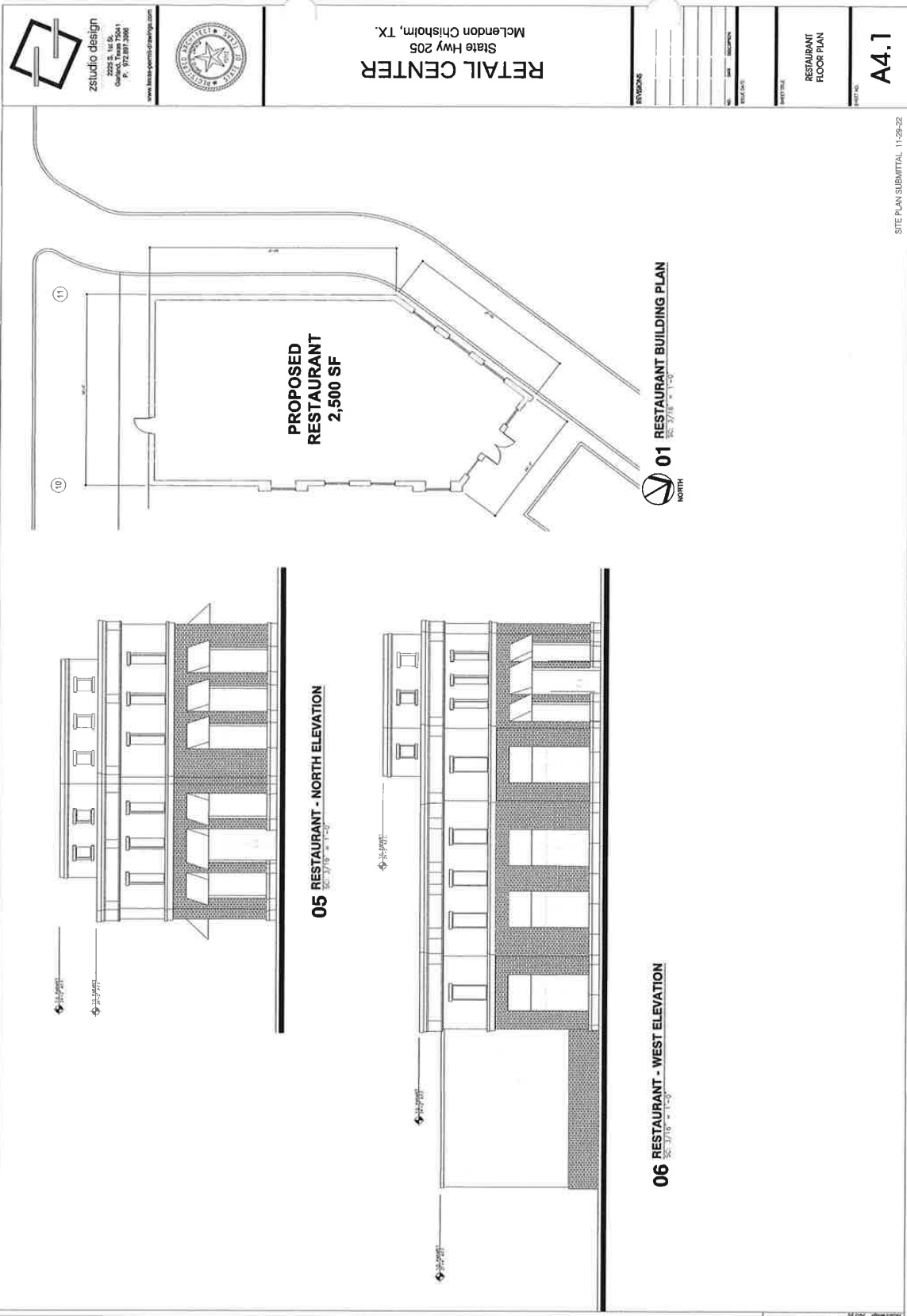
RETAIL BUILDING
FLOOR PLAN

A4.0

SITE PLAN SUBMITTAL 11-29-22



01 RETAIL BUILDING PLAN
1/8" = 1'-0"





zstudio design
 2505 S. 1st St.
 Suite 100
 P.O. Box 100
 P. 772 387 3366
www.zstudio-design.com



RETAIL CENTER
 State Hwy 205
 McLendon Chisholm, TX.

REVISIONS
 NO. DATE DESCRIPTION
 1 11/28/22 11:28:22

DRAWN BY
 CHECKED BY
 APPROVED BY

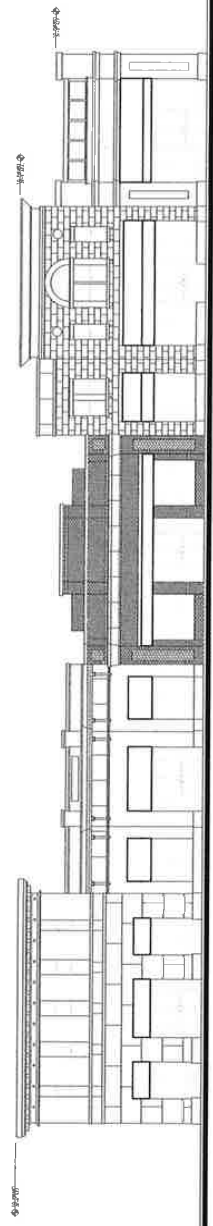
SCALE
 1/8" = 1'-0"

SHEET TOTAL
 11 OF 11

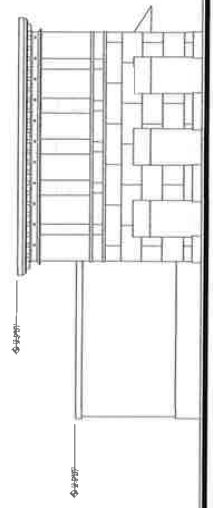
EXTERIOR ELEVATIONS

A5.0

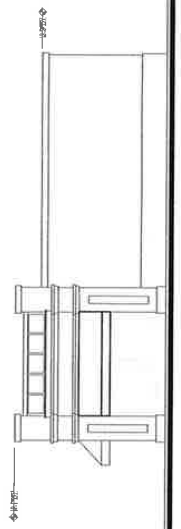
SITE PLAN SUBMITTAL 11:28:22



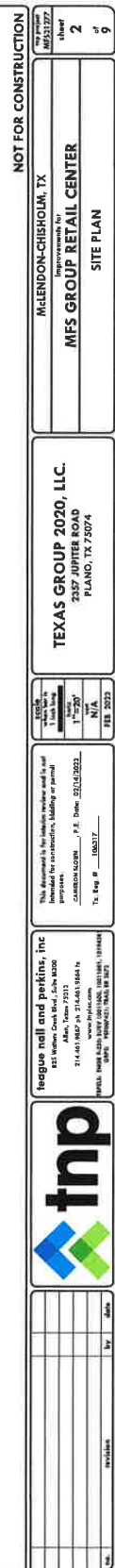
01 RETAIL - NORTH ELEVATION
 SC: 1/8" = 1'-0"



03 RETAIL - WEST ELEVATION
 SC: 1/8" = 1'-0"



02 RETAIL - EAST ELEVATION
 SC: 1/8" = 1'-0"





PLANNING AND ZONING COMMISSION – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: March 15, 2023

APPLICANT: Cameron Slown
TNP, Inc.
825 Watters Creek Blvd, Suite M300
Allen, Texas 75013

PROPERTY OWNER: MFS Group, LLC
2357 Jupiter Road
Plano, Texas 75074

REPRESENTATIVE: Cameron Slown

LOCATION: South quadrant of the intersection of FM 550 and State Highway 205

PLANNING AND ZONING COMMISSION MEETING DATE: March 21, 2023

REQUEST:

The applicant is requesting approval of a Specific Use Permit for a restaurant with an order ahead drive-up window and the ability to serve alcohol for on-premise consumption on a one and one-half acre tract of land located at the south corner of the intersection of FM 550 and SH 205.

STAFF RECOMMENDATION: Approval of the Specific Use Permit for a restaurant to serve alcohol for on-premise consumption **without a drive-up or Pick up window. Call ahead orders shall be picked up from designated parking spaces by way of the doorway to/from the restaurant.**

Conditions:

- Amend the site plan by removing the requested drive-up/pick up window.

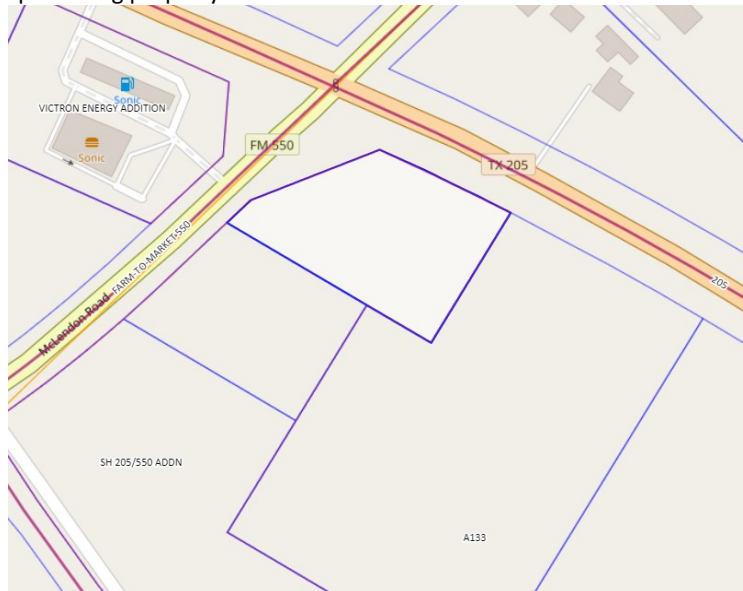
[note: full sized copies of the SUP Site Plan, are available at City Hall for inspection]

BACKGROUND INFORMATION:

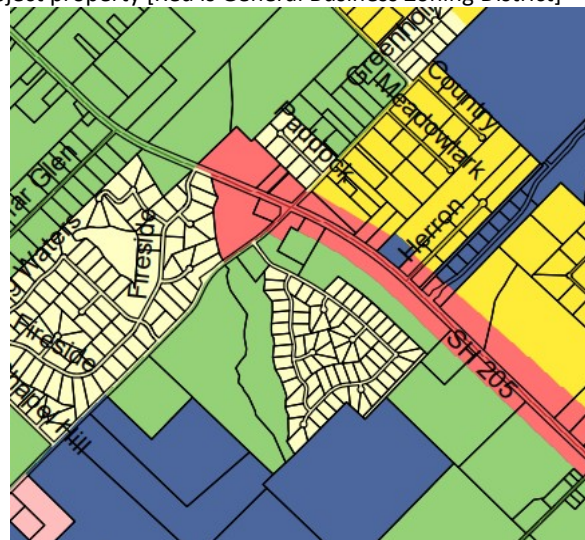
The subject property is a 1.5-acre tract of land located at the south corner of the intersection of SH 205 and FM 550. [Rockwall CAD #101321]. A specific use permit for the development of a detached drive-up restaurant. The zoning district designation for this property is GB General Business. The General Business District requires a specific use permit for a restaurant with or without alcoholic beverage service and/or with or without a drive-thru lane.

The City Council previously approved the site plan, landscape plan and elevations but denied the request for the drive-up/pick-up window, but did agree the customers could call or email ahead and pick up their orders from designated parking spaces that are accessed from the restaurant through the door but not through a window.

Rockwall CAD map showing property



City Zoning map for subject property [Red is General Business Zoning District]

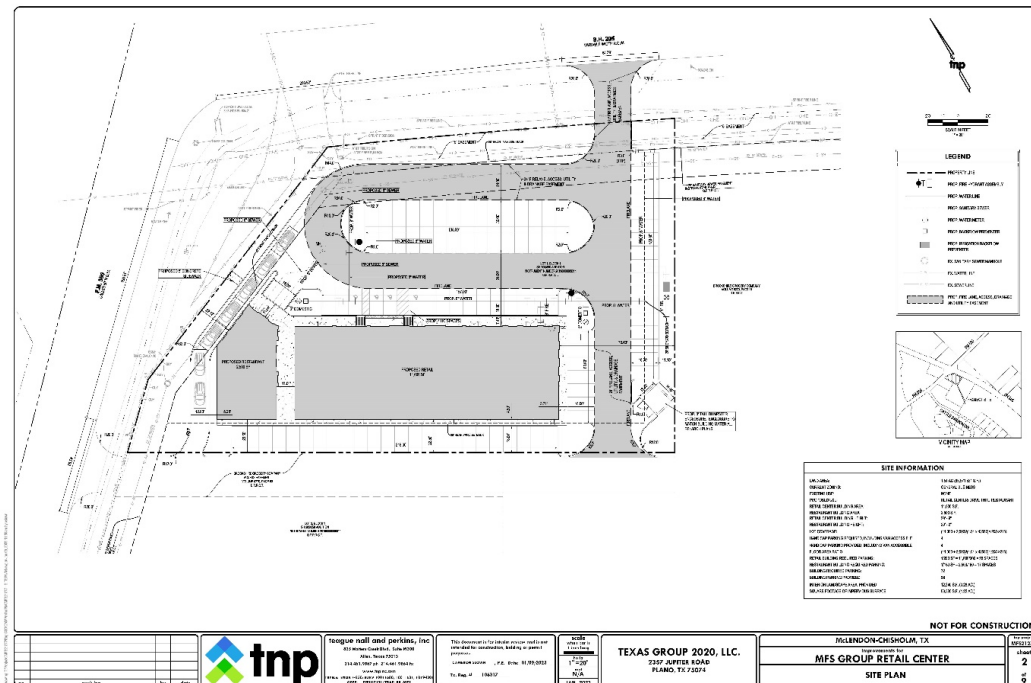


Thoroughfares/streets:

This property fronts both SH 205 and FM 550. Property dedications for the upcoming widening of SH 205 and intersection improvements with FM 550 have been provided. There is an existing access

Section 6-1 of the McLendon-Chisholm Zoning Ordinance prescribes the requirements for Site Plans.

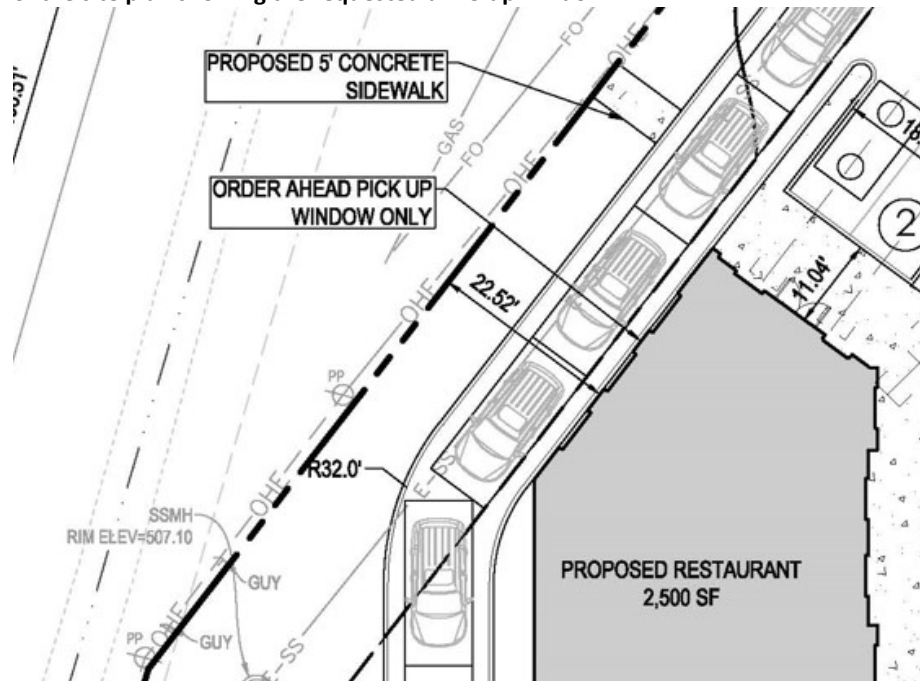
Applicant Site Plan



The site plan is consistent with the requirements of the Zoning Ordinance.

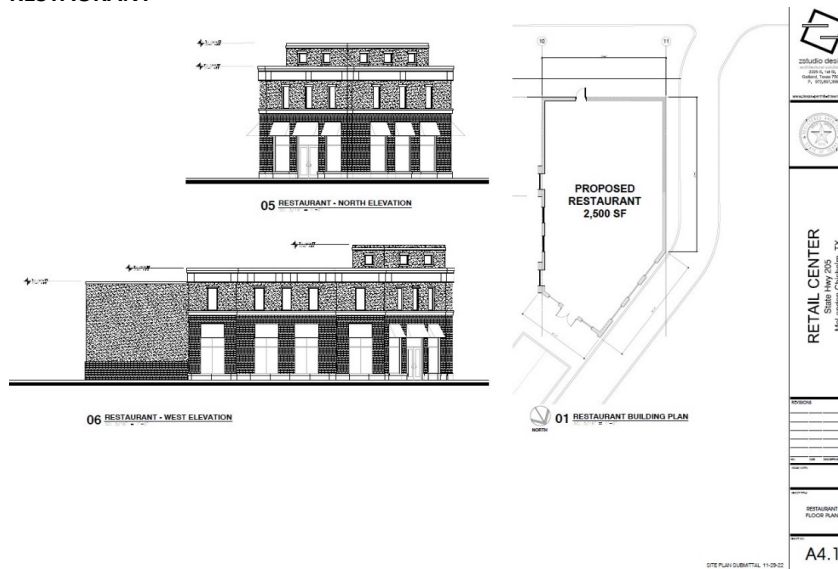
THIS AREA INTENTIONALLY LEFT BLANK

Portion of the site plan showing the requested drive-up window.



ELEVATIONS

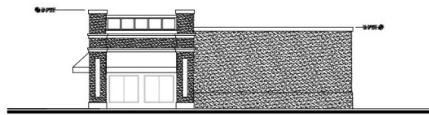
RESTAURANT



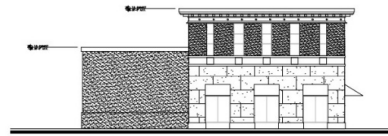
RETAIL CENTER



01 RETAIL - NORTH ELEVATION
SC 3/16" = 1'-0"



02 RETAIL - EAST ELEVATION
SC 3/16" = 1'-0"



03 RETAIL - WEST ELEVATION
SC 3/16" = 1'-0"



RETAIL CENTER
State Hwy 205
McLendon Chisholm, TX.



City of McLendon-Chisholm
1371 West FM 550 - McLendon-Chisholm, Texas 75032
TEL: (972)524-2077 FAX: (972)524-9128

ZONING CHANGE APPLICATION

Date of Application: 2/23/2023

Receipt # _____

Fee: \$600 per lot + \$10 per acre (acreage rounded to the next whole acre) + ALL consultant Costs. Consultant costs includes City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City.

Address and/or Location of Request:

Adjacent to McLendon-Chisholm City Hall

Property Legal Description:

See Exhibit A attached

County Parcel ID: 11447 and 11438

Existing Zoning: PD

Requested Zoning: PD

Applicant's Name: Oak National Development, LLC

Phone No. 214-502-1021

Email: jayw@alturahomes.com

Status of Applicant: Owner X or Authorized Agent _____

Applicant's Address:

Owner's Address: 5763 S. State Highway 205, Rockwall, TX 75032

I certify that I am the owner of the property described in this petition/application and _____ is the authorized agent to file this application on my behalf.

Signature of Owner: Oak National Development, LLC; by Jay Webb

Date 3/2/2023

Signature of Applicant:

Date _____

Development Fees

The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 one-half hour complimentary professional consultation with the City Planner and/or City Engineer. These complimentary consultation(s) will be arranged by City Staff. Limit of one complimentary consultation per property.

The applicant must pay the actual fee (very small & simple projects) or deposit the estimated fee with the City prior to consultant review of any application. Should the actual consultant cost exceed the estimate, the applicant will be invoiced for amounts owed. Unused deposit monies will be refunded to applicant within 60 days of project conclusion.

ALL Consulting Costs - Includes City Planning, City Engineer, City Attorney and any other outside consultant costs incurred by the City. All outstanding fees must be paid by the applicant prior to their application being placed on the agenda of the Planning & Zoning Commission, City Council or BOA. Consultants invoice the City monthly after work is completed, so it is possible for plat applicants to receive notice of outstanding fees after a plat has been considered. The City will invoice for any remaining consulting charges. Building permits be not be issued with fees outstanding.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application. All information submitted herein is true and correct and the application fee of \$2,090.00 to cover the cost of this application, and an initial deposit of \$3,000.00 for consulting fees has been paid to the City of McLendon-Chisholm on this 2nd day of March, 2023.

Further, I hereby certify that I understand and agree to the development and consulting fees and costs as stated above and agree to pay all outstanding fees and costs to the City prior to the application being placed on the agenda for consideration by the Planning & Zoning Commission and/or City Council.

Signature of Applicant (Owner/Authorized Agent): _____

City Secretary: _____

(Seal)

CHECKLIST FOR ZONING CHANGE APPLICANT

The following items must be submitted along with the completed application before processing and scheduling.

1. Completed Application
2. Legal Description and plat of the subject site. Two (2) copies of field note description typed and attached on a separate sheet (plain bond paper) and the subdivision name with lot and block number.
3. A location map clearly showing the site in relation to adjacent streets and distance to nearest thoroughfare.
4. Filing Fee of \$600.00 for the requested change of property + 10 per acre + ALL consultant costs.
5. Names and Addresses of Legal Property Owners within 200 feet of property. (The City will need to send these out 11 Days or more giving notice of the Public Hearing)
6. If not the owner of the property, have a letter from the owner stating that the applicant is authorized to file the application.
7. Post signs of Proposed Zoning Change at the property site. (City)

DESCRIPTION

TRACT 1

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the southeast right-of-way line of F.M. 550, said point being at the west corner of said 159.4006 acres tract of land;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 900.74 feet to a 1/2" iron rod with yellow plastic cap found for corner at the west corner of a 2.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of McLendon-Chisholm, Texas, as recorded in Volume 7229, Page 249 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 00 min. 00 sec. E. a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the south corner of a 10.00 acres tract of land as described in a Deed from The Chiefton 2X, LP to The City of McLendon-Chisholm, Texas, as recorded in Document no. 20130000499269 of the Official Public Records of Rockwall County, Texas;

THENCE N. 45 deg. 00 min. 00 sec. E. along the southeast line of said 10.00 acres tract, a distance of 681.00 feet to a 1/2" iron rod with yellow plastic cap found for corner at the east corner of same;

THENCE N. 45 deg. 00 min. 00 sec. W. along the northeast line of said 10.00 acres tract, a distance of 960.00 feet to a 1/2" iron rod with yellow plastic cap found for corner in the southeast right-of-way line of F.M. 550;

THENCE N. 45 deg. 00 min. 00 sec. E. along said right-of-way line, a distance of 840.00 feet to a 1/2" iron rod found for corner in an old road bed, at the north corner of said 159.4006 acres tract;

THENCE S. 45 deg. 25 min. 58 sec. E. along said old road bed and northeast boundary of said tract, a distance of 2983.44 feet to a 1/2" iron rod found for corner;

THENCE S. 45 deg. 15 min. 03 sec. W. along said old road bed and passing a 1" iron pipe at a turn in same at 784.39 feet and continuing for a total distance of 2243.27 feet to a 3/8" iron rod found for corner at base of 3" steel fence post in concrete at the south most corner of said 159.4006 acres tract of land;

THENCE N. 44 deg. 44 min. 43 sec. W. a distance of 1494.36 feet to a 1" iron pipe found for corner;

THENCE S. 45 deg. 05 min. 25 sec. W. a distance of 212.95 feet to a 1/2" iron rod found for corner;

THENCE N. 44 deg. 47 min. 44 sec. W. a distance of 1478.86 feet to the POINT OF BEGINNING and containing 144.41 acres of land.

TRACT 2

All that certain lot, tract or parcel of land situated in the KING LATHAM SURVEY, ABSTRACT NO. 133, Rockwall County, Texas, and being a part of a 10.00 acres tract of land as described in a Warranty deed from Richard B. Skibell to Tyrone E. Davenport and Cheryl Anne Davenport, dated October 20, 2004 and being recorded in Volume 3742, Page 268 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at the base of a 3" steel fence post in concrete at the east corner of said 10.00 acres tract and at the south corner of a 159.4006 acres tract of land as described in a Special Warranty deed from Tyrone E. Davenport and Cheryl Anne Davenport to The Chiefton 2X, LP, dated March 8, 2006 and being recorded in Volume 4464, Page 283 of the Official Public Records of Rockwall County, Texas;

THENCE S. 45 deg. 27 min. 19 sec. W. along the southeast line of said 10.00 acres tract, a distance of 559.20 feet to a point in edge of water for corner;

THENCE N. 44 deg. 17 min. 46 sec. W. a distance of 300.60 feet to a point in edge of water for corner in the northwest boundary line of said 10.00 acres tract of land;

THENCE N. 45 deg. 35 min. 26 sec. E. along the northwest boundary line of said 10.00 acres tract of land, a distance of 556.85 feet to a 1/2" iron rod with yellow plastic cap found for corner;

THENCE S. 44 deg. 44 min. 43 sec. E. a distance of 299.28 feet to the POINT OF BEGINNING and containing 3.84 acres of land.

NOTES

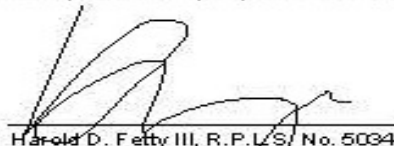
1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C00110 L dated Sept. 26, 2008, this property lies in Zones A & X. Part of this property does appear to lie within a 100-year flood plain, as shown scaled from FIRM.

2) BEARING SOURCE: RECORDED PLAT.

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

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for CHICAGO TITLE COMPANY and OAK NATIONAL HOLDINGS, LLC at FM 550, ROCKWALL County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 12th day of August, 2019.


Harold D. Fetty III, R.P.L.S. No. 5034



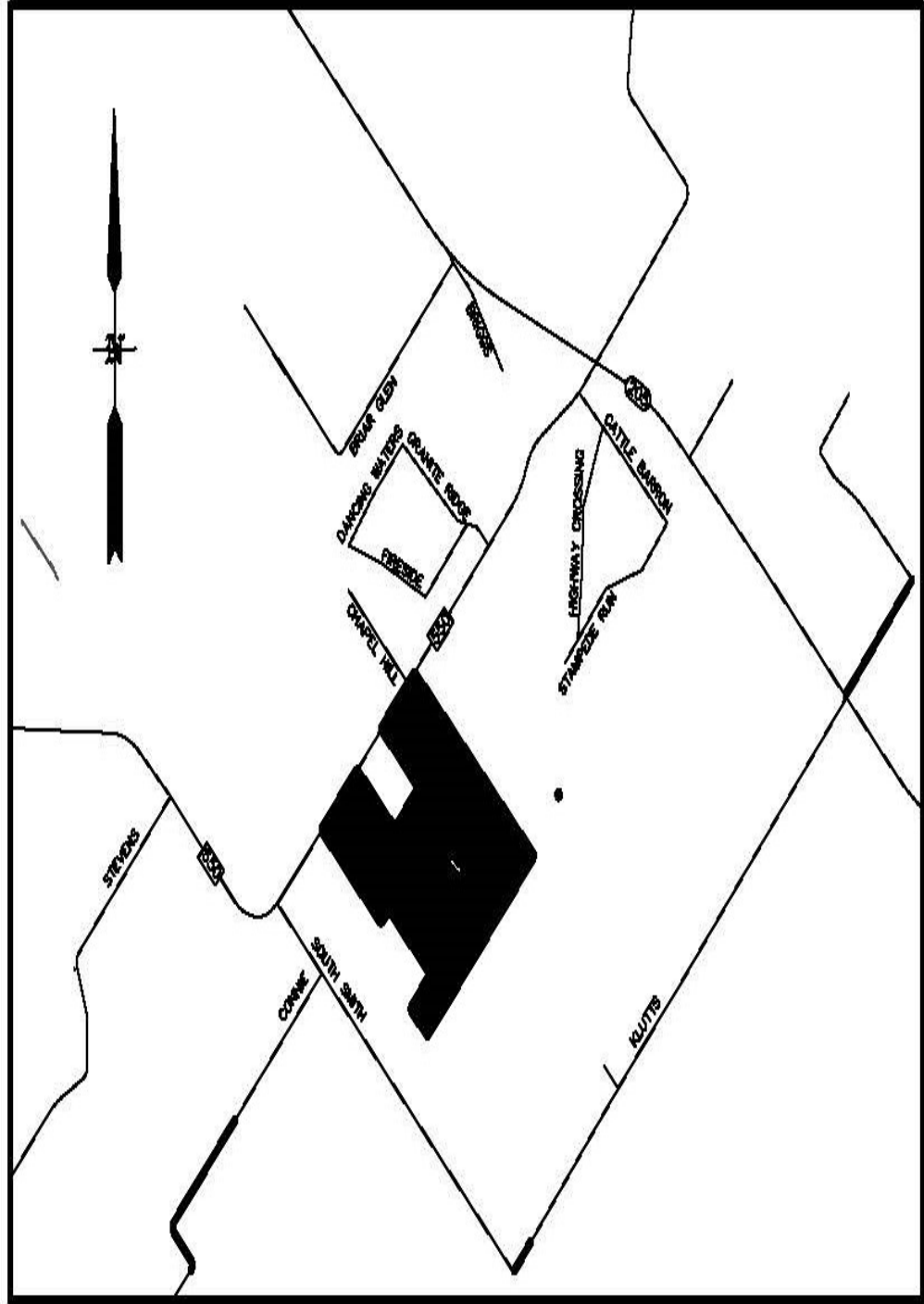
SYMBOL LEGEND				
				
				
				

SURVEY DATE: AUGUST 12, 2019
SCALE: 1" = 200' F.E.P. 20041825-2
CLIENT: CHL, LLC OF P 4000381201292

H.D. Fetty Land Surveyor, LLC

Firm Registration no. 10150900

6770 FM 1585 ROYSE CITY, TX 75189 972-535-2255 PHONE tracy@hdfetty.com



VICINITY MAP
N.T.S.



**CITY OF McLENDON-CHISHOLM
PLAT APPLICATION**

Application Date: 2-24-23

Items Submitted. Check all that Apply:

- ☐ Preliminary Plat: \$175 per lot + \$10 per acre (acreage rounded to the nearest whole acre) + ALL Consultant Costs
- ☒ Final Plat: \$150 per lot + \$10 per acre (acreage rounded to the nearest whole acre) + ALL Consultant Costs
- ☐ Replat/ Amended Plat: \$150 per lot + \$10 per acre (acreage rounded to the nearest whole acre) + ALL Consultant Costs
- ☐ Digital Copy of Submitted Plat/Plan (required)
- ☐ Site Plan
- ☐ Concept Plan
- ☐ Planned Development
- ☐ Vacation of Plat

General Information:

Addition Name (if platted): Bear Point Addition Current Zoning: N/A

No. of Acres: 9.78 No. of Lots: 3 Proposed Zoning: N/A

General Location of Property: 2663 Dowell Rd, Rockwall

Proposed Use for Property: Residential

Applicant Name: Christina Fuentes

Company: _____

Address: 5 MATESE CIRCLE City, State, Zip: Rockwall TX 75087

Phone(s): (214) 240-4193 Email: fchristy1957@yahoo.com

Owner Name: Jose and Lidia Alvarado

Address: 2663 Dowell Rd City, State, Zip: Rockwall, TX 75082

Legal Description of the Property: 9.82 acres recorded in File # 20180000018503

County Parcel ID: 32525

Other Information: _____

Development Fees

The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 one-half hour complimentary professional consultation with the City Planner and/or City Engineer. These complimentary consultation(s) will be arranged by City Staff. Limit of one complimentary consultation per property.

The applicant must pay the actual fee (very small & simple projects) or deposit the estimated fee with the City prior to consultant review of any application. Should the actual consultant cost exceed the estimate, the applicant will be invoiced for amounts owed. Unused deposit monies will be refunded to applicant within 60 days of project conclusion.

ALL Consulting Costs - Includes City Planning, City Engineer, City Attorney and any other outside consultant costs incurred by the City. All outstanding fees must be paid by the applicant prior to their application being placed on the agenda of the Planning & Zoning Commission, City Council or BOA. Consultants invoice the City monthly after work is completed, so it is possible for plat applicants to receive notice of outstanding fees after a plat has been considered. The City will invoice for any remaining consulting charges. Building permits be not be issued with fees outstanding.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application. All information submitted herein is true and correct and the application fee of \$ 550.00 to cover the cost of this application, and an initial deposit of \$ 1,000.00 for consulting fees has been paid to the City of McLendon-Chisholm on this 24th day of February, 2023

Further, I hereby certify that I understand and agree to the development and consulting fees and costs as stated above and agree to pay all outstanding fees and costs to the City prior to the application being placed on the agenda for consideration by the Planning & Zoning Commission and/or City Council.

Signature of Applicant: _____

City Secretary: _____

Rochelle Green





PLANNING AND ZONING COMMISSION – CITY OF MCLENDON-CHISHOLM, TEXAS

CITY COUNCIL-CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: April 14, 2023

APPLICANT: Christina Fuentes
5 Maltese Circle
Rockwall, Texas 75032

PROPERTY OWNER: Jose and Lidia Alvarado
2663 Dowell Road
Rockwall, Texas 75032

REPRESENTATIVE: Christina Fuentes
5 Maltese Circle
Rockwall, Texas 75032

LOCATION: 2663 Dowell Road, Rockwall County, Texas

PLANNING AND ZONING COMMISSION MEETING DATE: April 18, 2023

CITY COUNCIL MEETING DATE: April 19, 2023

[Note: This is a plat request, as such the Commission and the City Council have three options: Approval; Approval with conditions; or disapproval [if disapproved the conditions precedent to disapproval must be stated.]

REQUEST: The applicant is requesting approval of a final plat for the Bear Point subdivision of a 9.78 acre tract of land located on Dowell Road, north of the intersection with FM 550, in the City of McLendon-Chisholm Extra Territorial Jurisdiction.

STAFF RECOMMENDATION: Approval of the final plat subject to the following conditions:

- **Required Fire flow availability must be validated by inspection by the Fire Department prior to issuance of building permit [Section 507 Fire Code]**
- **The location of required fire hydrants must be shown on the plat [Section 507.5]**
- **Provide a letter from water provider showing service is available prior to recordation [Subdivision Ordinance]**
- **Show 24 foot fire lane on Lot 2 [Section 503 of the Fire Code]**
- **Show required fire apparatus turnaround on Lot 3 [Section 503 of the Fire Code, see appendix D]**
- **Install required water supply for Lot 3 prior to issuance of a building permit [Section 501.4 of Fire Code]**

- Construction of the fire lane [fire apparatus access road] shall comply with Section 503.
- The drive approach for the fire apparatus access road [fire lane] shall be prepared and presented to the Fire Marshal for approval prior to construction. [Fire Code]
- Show a drainage easement on the plat where stormwater may flow, especially from Lot 3, if it flows across property lines. [Subdivision ordinance Section 10.02.010]
- Identify the monument located at the northeast corner of the 1,448,56" chord [Subdivision Ordinance Section 10.02.005 (b)(F)]
- Remove "preliminary" language from front of revised plat.
- Provide a metes and bounds legal description for each individual lot on a second page of the plat. [Subdivision Ordinance]
- Revise the front building line from 25 feet to 75 feet from the front property line. For Lot 3 the front property line is the property line parallel and nearest to Dowell Road and requires the 75-foot building line. [Subdivision Regulations section 10.02.006]
- On the "Acknowledgement" change the "ninety days" to one year. [Subdivision Ordinance]
- Provide revised final plat document for approval by City Staff and Fire Marshal prior to authorization for recording [if the revised final plat satisfies the conditions required by the City Council, approval by the City Administrator and the Mayor prior to recordation is required].

The digital copy of the plat to be forwarded to the Commission and the City Council on Monday April 17, 2023.

BACKGROUND INFORMATION:

This application is a combined preliminary plat and final plat as authorized by: Section 10.02.005 Preliminary plans and final plats; subsection (b) Final plat; subsection (5) "The owner/subdivider may, at his option, elect to combine his preliminary plan and final plat of a subdivision whenever the tract of land:

(A)

Is to be resubdivided without a change of street locations, or is so situated that the pattern of streets in said tract is predetermined by streets of immediately adjacent adjoining recorded subdivisions;

(B)

The proposed development will be of the same use and of comparable density as adjacent existing or contemplated development; and

(C)

Is a minimum of two and one-half acres in total area."

This combined preliminary and final plat satisfies these conditions.

Fire Code. City has adopted the 2018 International Fire Code. The subject property is located within the McLendon-Chisholm Fire Department service area, subsequently the property must comply with the Fire Code.

The applicant proposes access to Lot 3 by using a 15 foot access easement on the adjacent property [southeast side of the subject property]. The minimum allowable ingress and egress easement for a fire lane is 24 feet. The plat should be amended to reflect the required 24 foot wide fire lane [fire apparatus access] on the interior of Lot 2. Additionally, the Fire Code requires a turn-around for fire apparatus when the fire lane exceeds 150 feet. The depth of Lot 2 is shown to be 419.25 feet. A turn-around complying with the Fire Code must shown on the plat at the east end of the fire lane and access easement on Lot 3.

Rockwall CAD map showing the subject property. [PID #32525]



Thoroughfares/streets:

The subject property fronts on Dowell Road in the unincorporated area adjacent to the City Limits.