



## AGENDA

### Planning & Zoning Commission Special Meeting Tuesday, October 1, 2024

1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032 6:30 PM

Page

1. CALL TO ORDER
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS
3. RULES OF DECORUM
4. CITIZEN COMMENTS
5. APPROVAL OF MINUTES
  - 5.1. Consider approving the minutes of Planning and Zoning Meeting August 20, 2024 3 - 5  
[Planning & Zoning Commission Meeting - 20 Aug 2024 - Minutes](#)
  - 5.2. Consider approving the minutes of Planning and Zoning Special Meeting August 29, 2024 6 - 8  
[P & Z Special Meeting - 29 Aug 2024 - Minutes](#)
6. ITEMS FOR CONSIDERATION AND ACTION
  - 6.1. Public hearing: "Notice of public hearing to be held by the McLendon-Chisholm Planning and Zoning Commission on October 1, 2024, at 6:30 P.M., at McLendon-Chisholm City Hall located at 1371 West FM 550, McLendon-Chisholm, Texas 75032. The public hearing will be held to receive public comment regarding a request by Oak National Development District. This property is generally located around three sides of 1371 West FM 550, McLendon-Chisholm City Hall. The Rockwall Central Appraisal District Property identification numbers are: 11447 and 11438.
  - 6.2. Consideration and action of the request of Oak National Development, for approval of a zoning district change from the Triple Creek PD Planned Development zoning district to a new PD Planned Development zoning district (Legacy Trails) for the development of 186 single-family lots and city park land. 9 - 20  
[Staff Report Legacy Trails PZ 10.1.24](#)  
[Legacy Trails Zoning Application](#)
  - 6.3. Consideration and action of the site plan presented by Carol Rosini. 21 - 34  
[Staff Report Rosini PZ 10.1.24](#)

[Rosini's Site Plan Application August 2024 \(1\)](#)

[Winery Site aug 23 24x36 \(1\)](#)

- 6.4. Presentation and discussion of McLendon-Chisholm Commercial Holdings INC. concept plan presented by Robert Whittle.

35 - 39

[Property 83800 Proposed Site plan \(1\)](#)

7. ADJOURN

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

I, Angela Jennings, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., September 27, 2024 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**MINUTES**

**Planning & Zoning Commission Meeting**

**Tuesday, August 20, 2024**

**1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032 6:30 PM**

Present:	Mark Kipphut	Chairman
	Robert Rohde	Co-Chairman
	Gyle Dale	Commissioner
	Tom Hritz	Commissioner
	Chris Freeze	Commissioner

Absent:	Terry Eoff	Commissioner
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Staff:	Asa Woodberry	City Planner
	Angela Jennings	City Secretary

1. CALL TO ORDER

Commission Chairman Mark Kipphut calls the meeting to order.

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

Chairman Kipphut leads the commissioners in prayer and leads the Pledges of both the U.S and Texas Flags.

3. RULES OF DECORUM

4. CITIZEN COMMENTS

NO CITIZENS COMMENTS

5. APPROVAL OF MINUTES

- 5.1. Consider approval of the minutes for Planning and Zoning Meeting of July 16, 2024

**Motion to Approve the minutes for July 16, 2024**

**Made by: Commissioner Freeze**

**Seconded by: Commissioner Dale**

**Motion Passed: Unanimous**

6. ITEMS FOR CONSIDERATION AND ACTION

- 6.1. Presentation and discussion of Legacy Park Estates concept plan presented by Oak National Development LLC

Kevin Webb gave a presentation of Legacy Park Estates and explains the plan for the community. He states that the plans have been altered and changed to the community comments and concerns. They will also be providing land for the Heritage Center. He also answered several questions from the council including questions about the retention pond and square footage of the homes.

- 6.2.

Consideration and Action regarding approval of a final plat for the separation into 3 lots and the development of a single-family residential lot on 9.78 acres of land located on Dowell Road, with frontage on Dowell Road located at 2639 Dowell Road.

Asa Woodberry, City Planner gives his Staff Report on the project that is in the ETJ (Extra-Territorial Jurisdiction) and recommends approval. After a short discussion with the commission, discussing the lot sizes Motion is called for.

**Motion made to approve the final plat.**

**Made by: Chris Freeze**

**Seconded by: Co-Chair Rohde**

**Motion Passed: Unanimous**

Before adjourning, Chairman Kipphut gives the commissioners an update on the meeting with Brookshires.

Also asks for their consideration to hold a special P & Z Meeting for O'Reillys. It is agreed That there will be a meeting on the 29<sup>th</sup>.

7. ADJOURN

**Motion to adjourn the meeting**

**Made by: Chris Freeze**

**Seconded by: Co-Chair Rohde**

**Motion passes: Unanimous**

APPROVED:

ATTEST:

\_\_\_\_\_  
Mark Kipphut, Chairman

\_\_\_\_\_  
Asa Woodberry, City Planner

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**MINUTES**

**Planning & Zoning Commission Special Meeting**

**Thursday, August 29, 2024**

**1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032 6:30 PM**

Present:	Mark Kipphut	Chairman
	Robert Rohde	Co-Chairman
	Chris Freeze	Commissioner
	Jerry Packer	Commissioner
	Richard Dean	Commissioner

Absent:	Gyle Dale	Commissioner
	Terry Eoff	Commissioner
	Tom Hritz	Commissioner

Staff:	Asa Woodberry	City Planner
	Angela Jennings	City Secretary

1. CALL TO ORDER

**Commission Chairman Mark Kipphut calls the meeting to order.**

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

**Chairman Kipphut leads the commissioners in prayer and leads the Pledges of both the U.S and Texas Flags.**

3. RULES OF DECORUM

4. CITIZEN COMMENTS

**NO CITIZENS COMMENTS**

5. ITEMS FOR CONSIDERATION AND ACTION

- 5.1. Consideration and action on the request of Jared Riggerback, 2 - 12  
McLendon-Chisholm Commercial Holdings, Inc, for approval of a final  
plat that provides for the development of one commercial lot which, at  
buildout, shall be an O'Reilly's Auto Parts store.

**Chairman Kipphut recites the agenda item and ask Asa Woodberry, City Planner, to give the commission his staff report. Asa Introduces the applicants request and states the final plat meets all the city's requirements.**

**Chairman Kipphut ask O'Reilly's Representative Jared Riggerback if there was anything he wanted to add, and Mr. Riggerback invited the commissioner to ask any questions they might have. After a few questions by the commissioner to both Mr. Riggerback and one of O'Reilly's engineers that was present, Chairman Kipphut calls for a motion.**

**Motion to approve the final plat  
Made by: Chris Freeze  
Seconded by: Rich Dean  
Motion Passes: Unanimous**

6. COMMISSIONERS REPORTS AND ANNOUNCEMENTS

**Mr. Dean gives a short report on how the Home Rule Charter commission is doing on developing the Charter.**

**Mr. Freeze commends Asa for the improved attachments on the agenda, he was able to fully expand them, and it was greatly appreciated.**

7. ADJOURN

**Motion to adjourn the meeting  
Made by: Chris Freeze  
Seconded by: Co Chair Rhohde  
Motion passes: Unanimous**

APPROVED:

ATTEST:

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Mark Kipphut, Chairman

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Asa Woodberry, City Planner

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

DATE: September 20, 2024

APPLICANT: Oak National Development, LLC  
5763 SH 205  
Rockwall, Texas 75032

PROPERTY OWNER: Oak National Development, LLC  
5763 SH 205  
Rockwall, Texas 75032

REPRESENTATIVE: Jay Webb  
Kevin Webb

LOCATION: 148.25 acres of land located generally around three sides of 1371 West FM 550  
[McLendon-Chisholm City Hall] McLendon-Chisholm, Texas. Rockwall CAD Property ID  
#11447 and #11438.

PLANNING AND ZONING COMMISSION SPECIAL MEETING DATE: October 1, 2024

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**REQUEST:**

The applicant is requesting approval of a zoning district change from Triple Creek Planned Development District that provides for varying lot sizes with a minimum of one-half of an acre per lot to a new planned development district [Legacy Trails] for the development of 186 single-family lots and land for a city park.

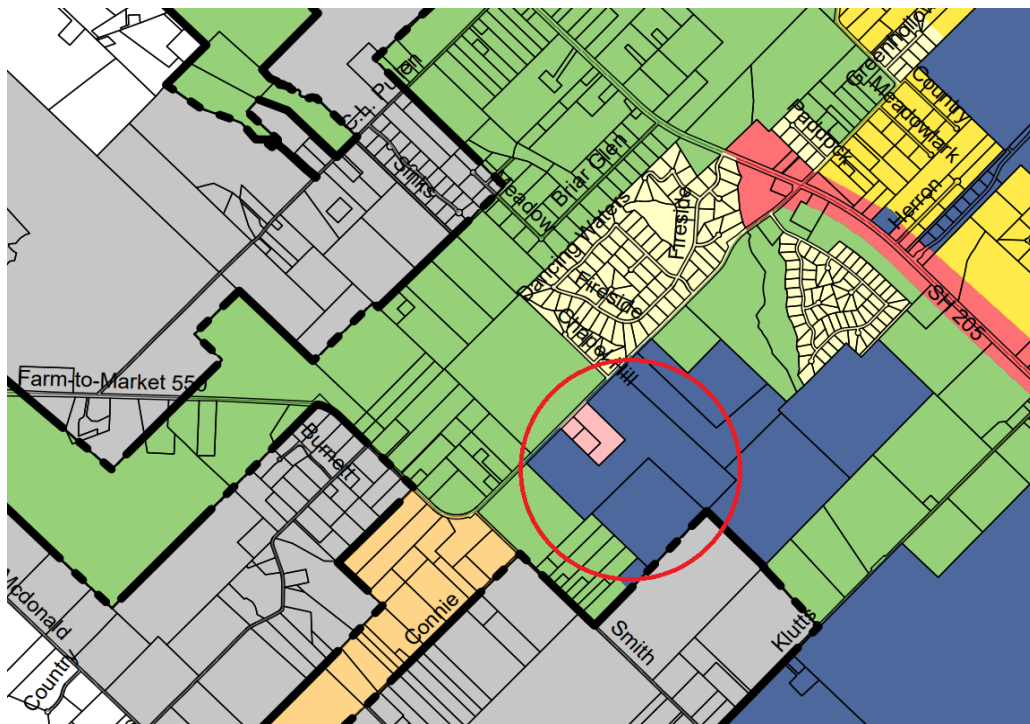
**STAFF RECOMMENDATION:** Approval.

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**Concept Plan for Legacy Trails Planned Development District**



**Current Zoning Map [Subject property generally circled in RED.]**



**Current Zoning:** The current request is a portion of the Triple Creek Planned Development District. The overall Triple Creek Planned Development District provides for a total of 1750 single-family lots with 167 lots having one-acre or larger and the remaining lots much smaller on a total of 1,583 acres of land. The gross density in 2009 was approximately 0.9 acres per lot. Triple Creek Ranch has three creeks that proceed through the property, significantly reducing the developable land from the 1,583 acres included in the planned development district by about 30 percent to approximately 1108 acres of developable land. The net density then is roughly 0.63 units per developable acre.

**Additional background information:**

In 2009 the City Council adopted a new conceptual plan for the acreage around the current City Hall that included 163 acres of land and provided for 15 lots having one and one-half acres per lot and 106 lots having one-acre of land per lot. A portion of the 163 acres was given to the city and then the city purchased additional land for a total of 15 acres for City-related uses. The 15 acres of city owned land reduced the number of one and one-half acre lots and reduced the total number of one-acre lots and reduced the total acreage from 163 acres to 148 acres.

The 2009 approved Concept Plan [below] for the 148 acres is the area that is the subject of this request. The dark black rectangle is the approximate location of the city-owned land.



This approved 2009 concept plan had 15 one and one-half acre lots and 106 one-acre lots. The acquisition of 15 acres reduced the number of one and one-half acre lots by approximately four lots and reduced the number of one-acre lots by approximately 26 lots leaving approximately 91 single-family lots in the area of request.

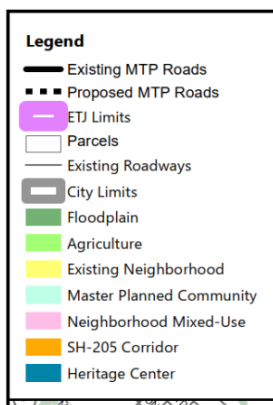
The applicant requested to increase the residential density for 328 dwelling units and to provide a 33-acre community park.

The development will provide for a lift station and a site for an elevated storage tank within the development. The current placement of the lift station and elevated water storage tank are located in the Southeast corner of the development near the southern most water detention area.

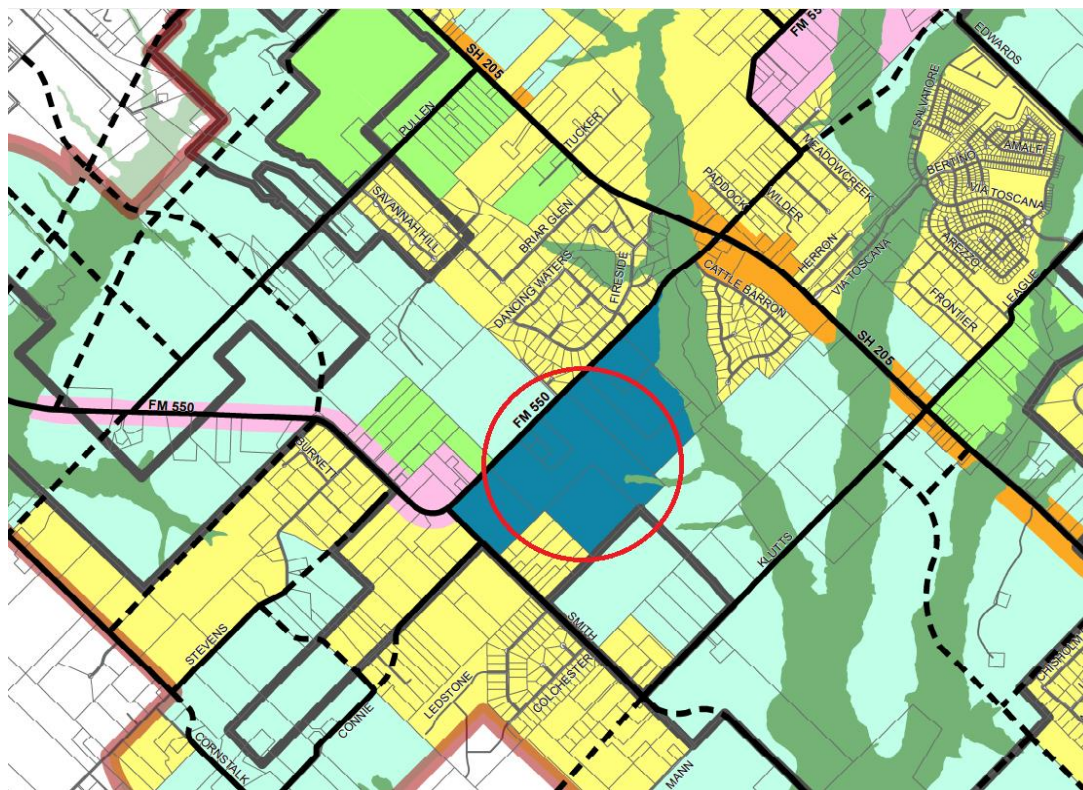
**Comprehensive Plan Recommendation: Heritage Center.** This application satisfies many of the anticipated land uses as identified in the Heritage Center description [below].

- Mixed use environment
- Parks, trails, open/green space, and ponds or creeks.
- Park to include cultural/historic elements related to McLendon-Chisholm

**Future Land Use Legend**



**Future Land Use Plan Map [Subject property generally circled in RED.]**



**The Future Land Use Plan shows the area fronting on FM 550 to be “Heritage Center”.**

The Comprehensive Plan describes this Heritage Center as follows:

**Heritage Center**

This Future Land Use Designation is located on land with the new City Hall and Fire Station, in addition to private and School District-owned land and is intended to be a node of development that showcases the City’s Rural Heritage, Green Spaces, and Natural Areas in a Country Living Activity Center.

**Anticipated Land Uses:**

- Institutional uses associated with the city, County, and/or School District;
- Mixed-use development (combinations of residential, office, restaurant/retail, entertainment, and arts/culture) with a rural/country feel;
- Uses relating to McLendon-Chisholm’s heritage and/or history or arts and culture; and/or
- Parks, trails, open/green space, and ponds or creeks.

**Desired Development Characteristics:** [These characteristics are not required, but desired]

- Maximum density of one dwelling unit per acre for residential uses, exclusive of floodplains and rights-of-way. Drainage areas and waterways should be within HOA-maintained common areas and not included on individual lots where applicable.
- Conservation development that groups buildings/structures and provides beautiful green/natural areas which showcase McLendon-Chisholm’s Country Feel.
- Development that Diversifies the Tax Base and provides areas for people to enjoy Grassroots Community Events or entertainment.
- Extensive, shaded, lighted, and landscaped trail system to connect the Country Living Activity Center.
- One story typical with two stories maximum.

**NOTE:** The minimum lot size for a residential lot with on-site sanitary sewer facilities is one-acre of land within the City of McLendon-Chisholm. For developments with off-site sanitary sewer availability, smaller lots may be considered. The applicant/developer in this application has secured 335 off-site sewer taps that will provide connection to the City’s sanitary sewer system.

**Thoroughfares/streets:**

FM 550 is shown on the McLendon-Chisholm Thoroughfare Plan to be an existing principal arterial adjacent to the applicant’s property. A principal arterial is proposed to be a four-lane divided thoroughfare with 100 to 150 feet of right of way. Adjacent to the subject property FM 550 is a two-lane undivided thoroughfare with 60 feet of right of way. At the time of platting, it is the City’s policy to acquire one half of the deficit right of way from the applicant. The City has been acquiring additional right of way along FM 550 to widen the right of way from 60 feet to 100 feet. That usually means a dedication of 20 additional feet of right of way adjacent to the applicant’s property.

**Applicant requested development standards:**

EXHIBIT B

LEGACY TRAILS  
PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS  
For Approximately 148.15 Acres  
City of McLendon-Chisholm, Rockwall County, Texas

**1. Purpose and Intent**

This Planned Development District (PD) provides the minimum development standards for a residential subdivision containing 186 single-family residential lots with a minimum lot size of twenty-one thousand seven hundred eighty square feet, open common spaces, a lift station, and a water tower. The open common spaces may include temporary as well as permanent structures to include detention facilities, a facility housing a heritage center, a heritage museum, a library, ponds, benches, grills, gazebos, and trails. This development is approximately 148.15 acres of land generally located near the existing McLendon-Chisholm City Hall on FM 550 further described in EXHIBIT A attached to and made a part of this ordinance.

**2. Special Provisions**

This Exhibit C provides the PD Development Standards which are included and made a part of the ordinance adopting this Planned Development District.

- a. Minor amendments amendment to the PDD including approved Concept or Development plans must conform to the following process; “ Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or alter the landscape plans as indicated on the approved conceptual plan may be authorized by the mayor or his/her designee. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the city council shall determine the conformity.” [Zoning Ordinance, Section 5-1, Planned Development District, subsection D. 1. (c)]
- b. Requests for minor amendments shall be made in writing and shall explain the reason or reasons for the requested amendment. Requests for minor amendments shall pay a fee as established by the City Council for the review and processing of a minor amendment request.

**3. Development Plan**

Prior to development of any portion of this planned development district, the City Council shall consider a development plan upon recommendation from the Planning and Zoning Commission. Any development plan shall conform to the Concept Plan that has been approved and made a part of this ordinance.

This development may be constructed in phases. However, if constructed in phases, each phase shall have a development plan reviewed and recommended by the Planning and Zoning Commission and reviewed and approved by the City Council prior to any construction in that phase.

#### **4. Development Standards**

Lot layout shall conform to the Concept Plan that has been adopted and is part of this ordinance.

- a. This is a single-family zoning district.
- b. Permitted uses. In this zoning district, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with section 3-1. Use of land and buildings of the City of McLendon-Chisholm Zoning Ordinance as shown for the SF 1.0 Residential District.
- c. Area requirements. Minimum residential lot size 21,780 square feet.
- d. Setbacks.

Front yard	40 feet
Side yard	10 feet
Rear yard	20 feet

Front yard setbacks shall be consistent for the entire block face. Side yard setbacks shall be consistent for the entire block face.
- e. Lot width. Minimum lot width is 100 feet.  
For lots fronting on a cul-de-sac or eyebrow, the minimum lot width shall be measured at the front setback line.
- f. Lot depth. 120 feet.
- g. Minimum Dwelling size. 2,000 square feet, with only 20% of lots below 2,200 square feet.
- h. Lot coverage. 70 percent.
- i. Maximum Height. 36 feet from the foundation to the top plate.
- j. Off-street parking. Shall conform to section 6-7, Off-street parking and loading requirements of the McLendon-Chisholm Zoning Ordinance.
- k. Accessory structures. Shall conform to the requirements of section 6-3 of the McLendon-Chisholm Zoning Ordinance.
- l. Landscaping shall be in accordance with landscaping and berming as shown on the Concept Plan. A detailed landscape plan shall accompany all applications for approval of detailed development plans [site plans] shall include a landscape plan that conforms to the requirements of Section 6-10 of the City of McLendon-Chisholm zoning ordinance for residential developments and have native landscaping designed to reduce water usage.

#### **PARK, TRAIL SYSTEM, OPEN SPACE**

Owner/Developer shall donate to the City the land around the City Hall Area and the trails on the concept plan upon completion of the park improvements by owner/developer.

Areas labeled Common Area shall be owned by the City of McLendon-Chisholm described herein. Owner/developer agree to dedicate to the City of McLendon-Chisholm approximately 17.75 acres of common space land (the "Common Area Space") in the location shown on the Concept Plan attached

hereto which may include floodplain. Owner/developer agrees that the open spaces within the neighborhood will include preservation of existing ponds, development of trails and other amenities as required by this planned development district. All maintenance and costs thereof within the open spaces shall be the responsibility of the City of McLendon-Chisholm. All expenses for construction, maintenance and operation shall be paid by the Owner/developer until transferred to the city. At time of transfer to the city, all costs of maintenance and operation shall be borne solely by the city of McLendon-Chisholm.

To the extent easements or rights-of-way are needed within this planned development district, they shall be dedicated by Owner/developer to the City of McLendon-Chisholm at no cost to the City.

**Property legal description:**

Legal Description

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:

**TRACT 1**

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.



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: 8/15/2024 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 & 11438

Existing Zoning: PD Requested Zoning: PD

Applicant's Name: OAK NATIONAL DEVELOPMENT, LLC

Phone No. 214-502-1021 Email: JAYW@ALTURA HOMES.COM

Status of Applicant: Owner  or Authorized Agent \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Owner's Address: 5763 S. SH 205, ROCKWALL, TX 75082

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

[Signature] Date \_\_\_\_\_

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 \$\_\_\_\_\_ 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)



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

DATE: September 17, 2024

Applicant: Carol Rosini  
Rosini Vineyards  
411 State Highway 205  
McLendon-Chisholm, Texas 75032

Representative: Carol Rosini

Property owner: Carol Rosini  
Rosini Vineyards  
411 State Highway 205  
McLendon-Chisholm, Texas 75032

Location: The property is a 3.5-acre tract of land located at 411 State Highway 205 with frontage along SH 205. Block A, Lot 1 constitutes 3.50 acres, The Rockwall CAD property identification number is 102484.

PLANNING AND ZONING COMMISSION SPECIAL MEETING DATE: October 1, 2024

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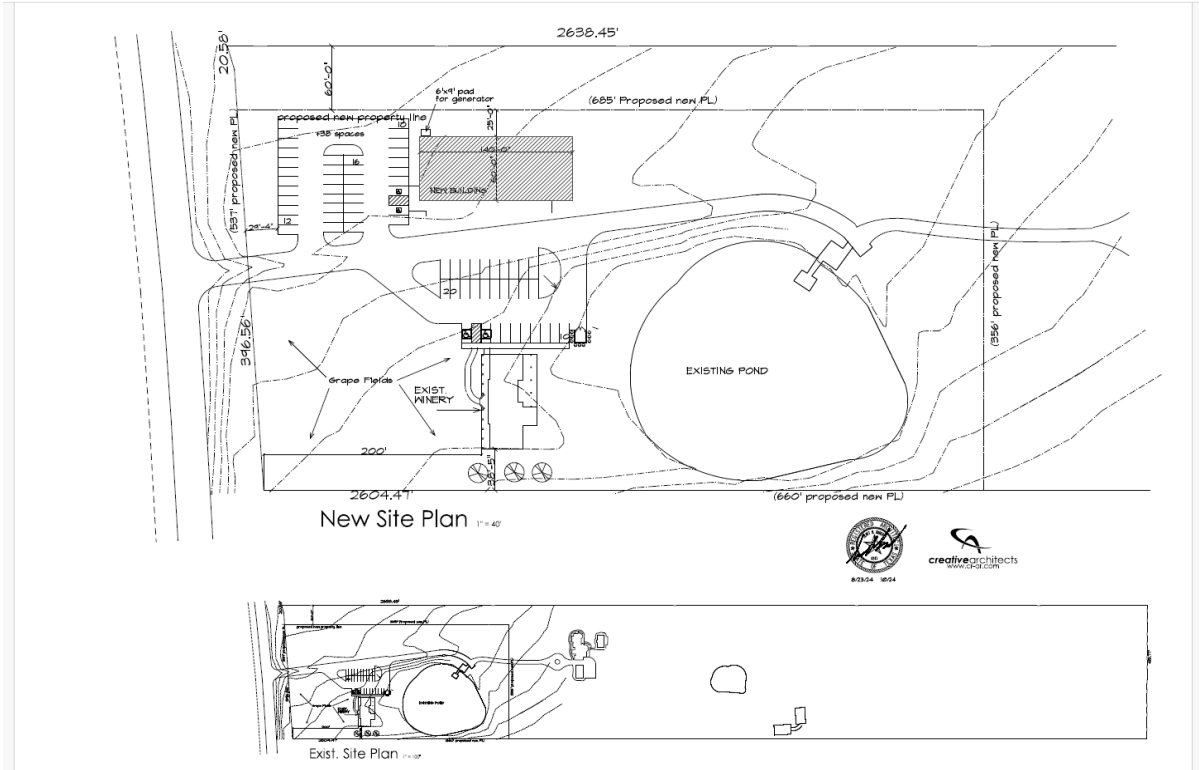
**REQUEST:**

The applicant is requesting approval of a site plan approval for the expansion of Rosini Vineyards to include a wine storage facility and reception hall to be built on the current 3.5-acre tract of land. The storage facility will include a storage room, production room, and barrel room as well as a reception hall and workshop room totaling approximately 8,400 square feet at buildout. This application is in conformity with the McLendon-Chisholm Code of Ordinances and recommendations of the McLendon-Chisholm Comprehensive Plan.

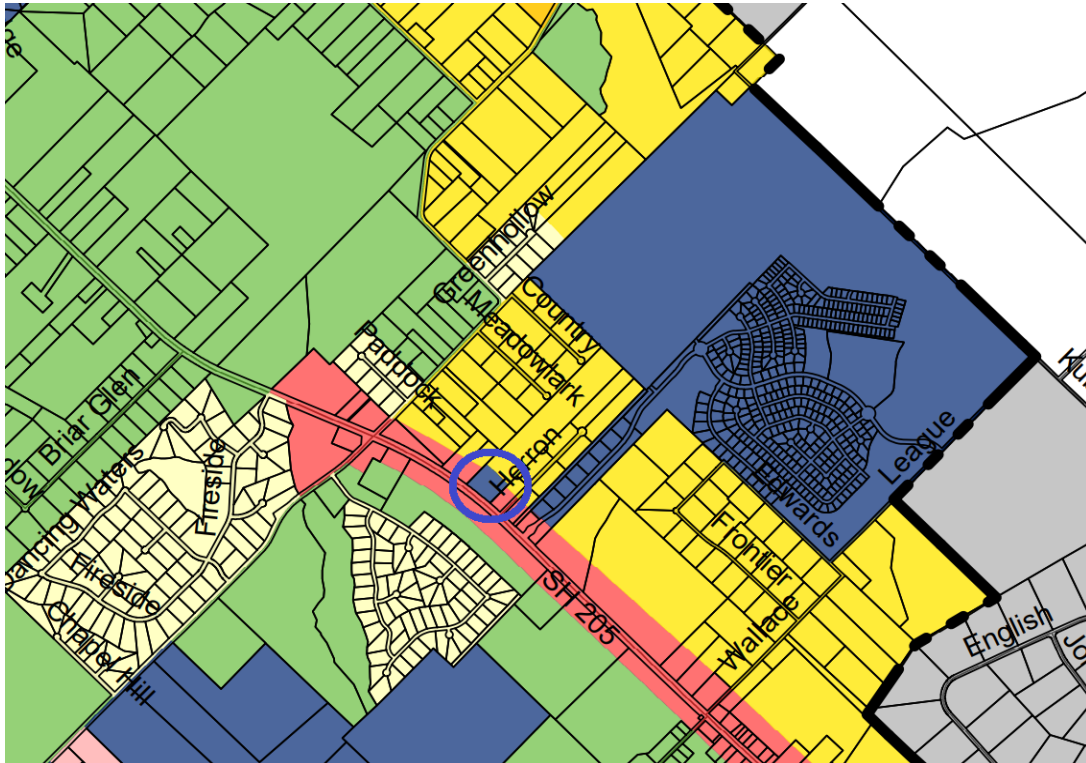
**STAFF RECOMMENDATION:** Approval.

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# Site Plan for the requested General Business District



**Current Zoning Map [Subject property generally circled in blue]**



**General Business zoning district boundaries along SH 205: [Highway 205 distance limitations.](#)**

Unless otherwise established by specific ordinance or change in zoning the limit of the GB General Business District, when it is located adjacent to State Highway 205, shall be 350 feet measured from the centerline of S.H. 205. The following conditions shall also apply:

- 1.**  
The limit shall be extended to the property line if said property line is located within 100 feet of the 100 foot limit, but shall not be less than 350 feet unless otherwise zoned.
- 2.**  
The limit of the GB General Business District shall be interpreted by the zoning official, as designated by the mayor or his/her designee. The zoning official may differ interpretation of the distance to the city council.
- 3.**  
This provision does not limit the depth, size, or shape of any other parcel zoned as GB General Business District that is located anywhere else in the corporate limits of the City of McLendon-Chisholm.

**Applicant requested development standards:**

EXHIBIT B

3.50 Acres along SH 205.

PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

For Rosini Vineyards

City of McLendon-Chisholm, Rockwall County, Texas

**1. Conflict.**

In the event of a conflict between these Development Standards and the City's subdivision rules and regulations in effect on July 24, 2018 (the "Subdivision Regulations"), the City's Zoning Ordinance now in effect or as hereafter amended, the Development Standards shall control. In addition, these Development Standards represent the zoning regulations applicable to the Property.

**2. Uses Allowed.**

- a. The only uses allowed in this Planned Development District are:
  - i. Those uses allowed in the City of McLendon-Chisholm "KGB" General Business District as provided in the City's Zoning Ordinance; and
  - ii. Winery with tasting room, provided this use conforms to all applicable laws of the State of Texas including, but not limited to, Chapter 16 of the Texas Alcoholic Beverage Code.

**3. Parking Required.**

- a. Parking spaces shall conform to the size and shape requirements of the Zoning Ordinance.
- b. Minimum parking shall be provided in accordance with the site plan required herein.
- c. Required parking spaces may be shared between and by all uses on the Property.
- d. For all "GB" General Business District allowed zoning uses, parking shall be provided in accordance with the requirements of the City of McLendon-Chisholm Zoning Ordinance.
- e. In addition, the following are minimum parking requirements:

- i. Once space for each 200 square feet of retail space;
- ii. One space for each 100 square feet of tasting room; and
- iii. One space for each 4,000 square feet of fermenting processing, bottling or storage of wine production.

**4. Accessory Uses.**

Accessory uses that are customarily incidental to any land use authorized by this Planned Development District may not exceed five (5) percent of the land use to which they are customarily incidental; however, an outdoor seating deck when adjacent to or accessory to a winery or wine tasting room is not restricted to five (5) percent of the main use.

**5. Setbacks.**

- a. All setbacks shall be measured from the property line. Except as provided herein, no building encroachments are permitted in the required front, side and rear yard setbacks.
- b. Entry or exit drives and architectural entry features may be placed within the required setbacks, but they must be shown on any required site plan. Additionally, any driveway adjacent to State Highway 205 shall have been issued a permit from the Texas Department of Transportation, a copy of which shall be submitted concurrently with any request for development or construction. Driveways and entry features must provide sufficient distance from any adjacent property so as not to be a hazard to the vehicular traveling public.
- c. The setbacks for this Planned Development District shall be as shown on the table below.

Development Standard	PD Zoning
Minimum front yard	75'
Minimum side yard	25'
Minimum rear yard	25'

**6. Height.**

The maximum height of a building shall not exceed 45 feet.

**7. Stories.**

Here is no maximum number of stories.

**8. Screening.**

Visual screening shall be provided between commercial buildings and parking areas when adjacent to residential uses. Visual screening shall be a minimum of six feet in height and may be living and irrigated hedge materials or constructed in accordance with Section 6-8 of the McLendon-Chisholm Zoning Ordinance. All dumpsters shall be screened from State Highway 205 and from adjacent residential property by solid screening that complies with Section 6-8 of the McLendon-Chisholm Zoning Ordinance. If live screening is used, a landscape plan shall be reviewed by the Planning and Zoning Commission and approved by the City Council.

**9. Site Plan.**

- a. A site plan that conforms to Section 6-1 of the McLendon-Chisholm Zoning Ordinance is required for every phase of development for all uses permitted by this Planned Development District. Required site plans shall be reviewed by the Planning and Zoning Commission and approved by the City Council prior to the issuance of a certificate of occupancy or construction or development permit. The site plan approval process shall include elevations of all structures existing or to be built within this Planned Development District.
- b. Site plans must show emergency apparatus/vehicle access roads and turnarounds that conform to the adopted Fire Code.

**10. Signs.**

Signage shall be in accordance with the City's ordinances and sign regulations.

**11. Other Law.**

The development, construction and use of the Property and all structures thereon shall be in compliance with all applicable City, State, and Federal Regulations for inspections, permitting, licensing and building, construction and fire codes, except as modified by this Ordinance.

**BACKGROUND INFORMATION:**

**GB Zoning District requirements:**

GB - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

**Additional background information:**

The current zoning district standards for the subject property are PD Planned Development District. The applicant has provided a site plan showing the layout of the new storage facility, which at buildout out will be approximately 8,400 square feet with an outdoor patio area.

**Thoroughfares/streets:**

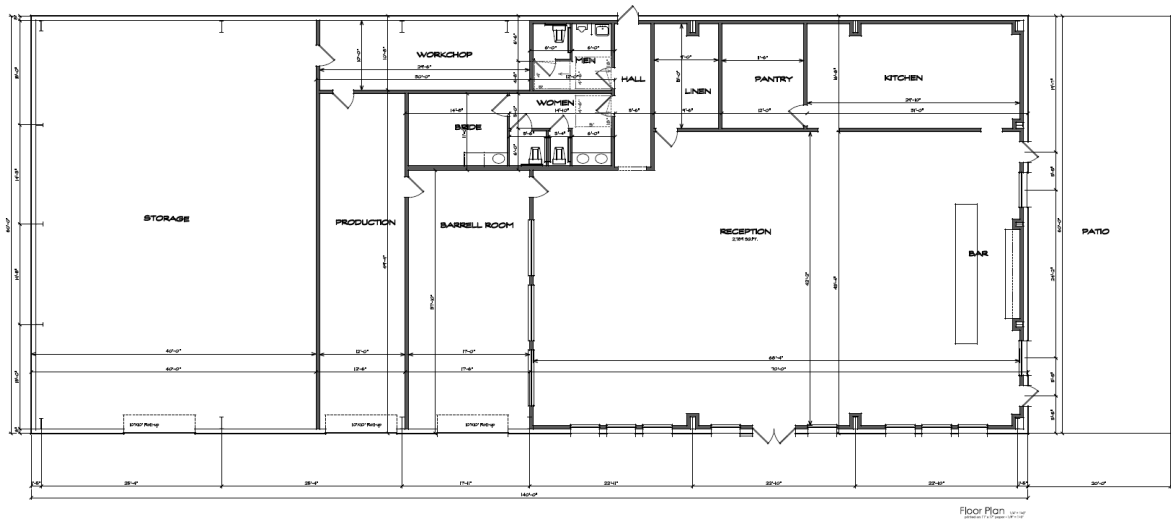
SH 205 is a state highway currently maintained by the Texas Department of Transportation (TxDOT) and has been identified as a potential commercial hub for the city of McLendon-Chisholm.

**Property legal description:**

Lot 1: Rockwall CAD property identification number: 102484

**Supplemental Applicant information:**

**Site Plan (Building Layout)**





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

**SITE PLAN APPROVAL APPLICATION**

Date of Application: 8-23-24 Receipt # 018505

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

Address and/or Location of Request:  
411 Highway 205

Property Legal Description:  
Rosini Vineyards addition, Block A, Lot 1, 3.509 acres

County Parcel ID: 102484

Existing Zoning: PD Requested Zoning: \_\_\_\_\_

Applicant's Name: Carol Rosini

Phone No. 214-538-2678 Email: carol@rosinivineyards.com

Status of Applicant: Owner  or Authorized Agent

Applicant's Address:  
3095 Wincrest Dr, Rockwall, Tx, 75082

Owner's Address: same as above

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

Signature of Applicant:  
Carol Rosini Date 8-23-24

**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 \$ 640 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 23 day of August, 2021.

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:  (Seal)

City Secretary: \_\_\_\_\_

### **CHECKLIST FOR SITE PLAN APPLICANT**

The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing the drawing is clear and capable of evaluation by the City Council and the staff personnel required to enforce and interpret this ordinance.

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, fire hydrants, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
3. Floodplains, watercourses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.
5. Total number, location, and arrangement of off-street parking and loading spaces, where required.
6. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
7. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
8. The locations, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
9. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
10. If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.

11. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
12. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
13. Buildings on the exterior of the site and within 25 feet of all property lines.
14. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
15. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
16. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements, including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
17. Legal description of the total site area proposed for rezoning, development or specific use permit.
18. Signature, title and date of applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.
19. A development timetable if development is to be in phases.
20. The percentage of the site that will be covered by building and structures.
21. Filing Fee of \$600.00 for the requested site plan approval + 10 per acre + ALL consultant costs.







W FM 550

MFS GROUP LLC  
1.505 AC

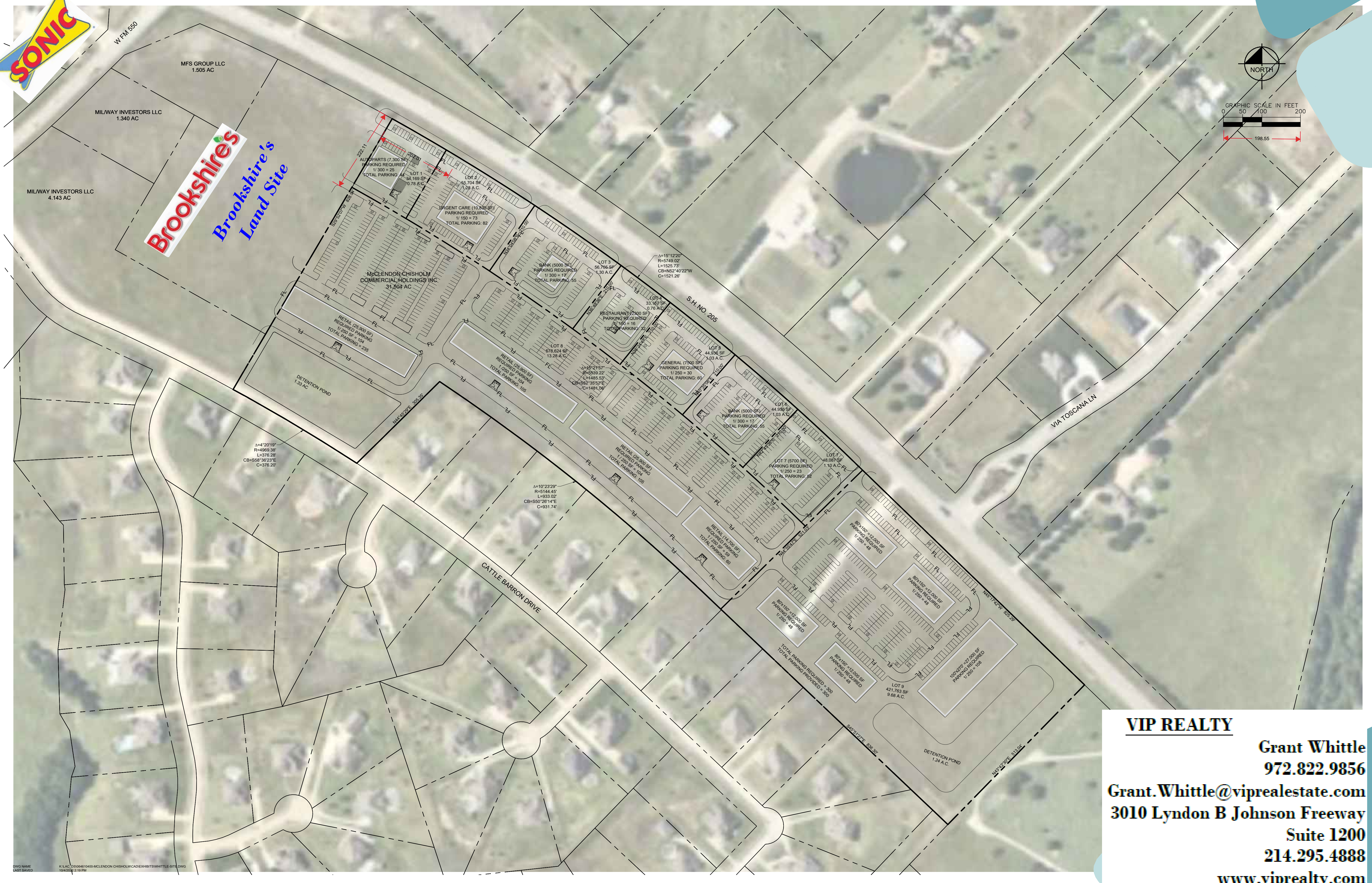
MILWAY INVESTORS LLC  
1.340 AC

MILWAY INVESTORS LLC  
4.143 AC

**Brookshire's**  
Brookshire's  
Land Site



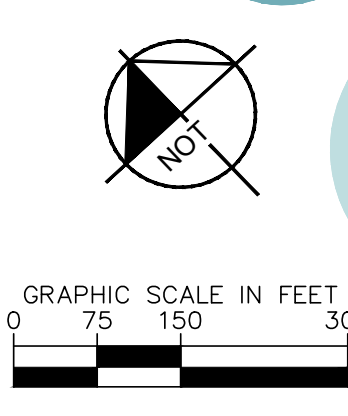
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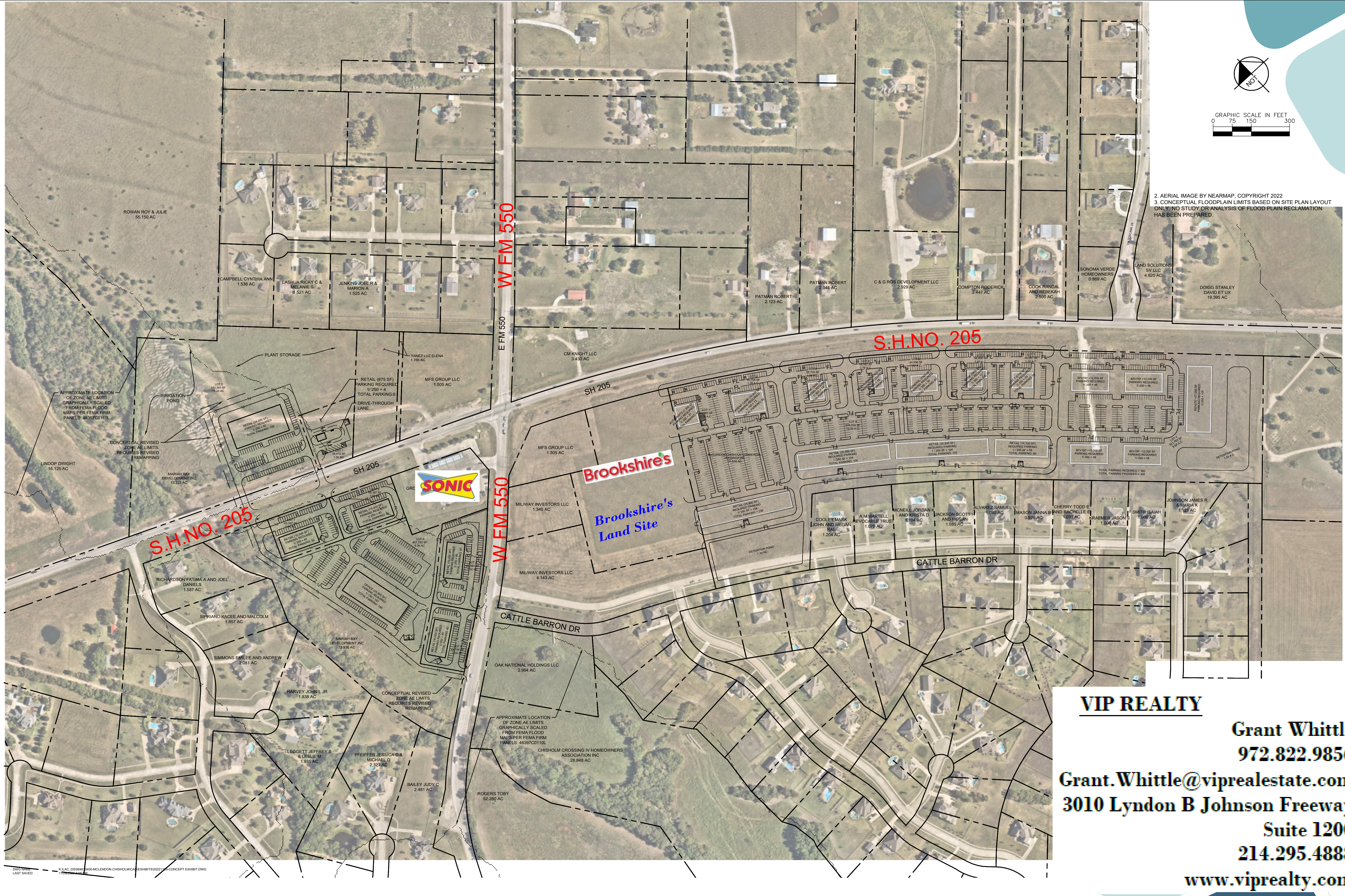
**VIP REALTY**

**Grant Whittle**  
**972.822.9856**  
**Grant.Whittle@viprealestate.com**  
**3010 Lyndon B Johnson Freeway**  
**Suite 1200**  
**214.295.4888**  
**www.viprealty.com**

DATE: 10/20/2018 10:00 AM  
DRAWN BY: GWH  
CHECKED BY: GWH  
SCALE: AS SHOWN  
PROJECT: BROOKSHIRE'S LAND SITE  
SHEET: 1 OF 1



2. AERIAL IMAGE BY NEARMAP, COPYRIGHT 2022  
 3. CONCEPTUAL FLOODPLAIN LIMITS BASED ON SITE PLAN LAYOUT  
 ONLY AND STUDY OR ANALYSIS OF FLOOD PLAIN RECLAMATION  
 HAS BEEN PREPARED.



**VIP REALTY**

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 Grant.Whittle@viprealestate.com  
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01/11/2023 10:00 AM C:\AC\_20230404\100\KLENDON CHISHOLM\CONCEPT EXHIBIT DWG  
 LAST SAVED

**GENERAL NOTES:**

- 1) To the best of my knowledge and belief as of November 4, 2020 all visible improvements are within the boundaries of the property lines at the distances indicated and there are no visible and apparent easements, encroachments, conflicts or protrusions, except as shown on said survey.
- 2) By graphic scale only and per the National Flood Insurance Program Flood Insurance Rate Map for Rockwall County, Texas and Incorporated Areas, Map No. 48397C0110L, Effective Date: September 26, 2008 the subject property is shown to be located in Zone "X". The location of the said flood zones is based on said map and is approximate and is not located on the ground. This statement shall not create liability on the part of the surveyor. Relevant zones are defined as follows:  
Zone "X" - Other Areas: Areas determined to be outside the 0.2% annual chance floodplain.
- 3) The word "certify" or "certificates" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- 4) Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject tract: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; Agreements, Lease Agreements, and ownership title evidence.
- 5) Only Visible utilities are shown, other underground utilities may exist that were not marked or not visible at the time of the survey.
- 6) This survey was prepared without the benefit of a Title Commitment. The surveyor did not abstract the subject property.

**DESCRIPTION OF PROPERTY SURVEYED**

BEING a tract of land situated in the King Latham Survey, Abstract Number 133, Rockwall County, Texas and being all of a tract of land to McLendon Chisholm Commercial Holdings, INC. as recorded in Volume 7061, Page 47 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for the west corner of said McLendon Chisholm Commercial Holdings tract, same being the south corner of Lot 3, Block 1 SH 205/550 Addition as recorded in Instrument Number 2019000009311 of the Official Public Records of Rockwall County, Texas, also lying on the northeast line of Cattle Barron Drive, (50' R.O.W.) as dedicated by Chisholm Crossing Phase IV recorded in Cabinet H, Slide 323 of the Plat Records of Rockwall County, Texas;

THENCE North 29 degrees 52 minutes 07 seconds East, along the southeast line of said Lot 3, Block 1 SH 205/550 Addition, passing at a distance of 150.01 feet a 1/2 inch iron rod with cap stamped "SUMMIT" found for the east corner of same, also for the south corner of a tract of land described by deed to Brookshire Grocery Company as recorded in Volume 5270, Page 57 of the Deed Records of Rockwall County, Texas, and continuing along the southeast line of said Brookshire Grocery Company tract, a total distance of 800.01 feet to 1/2 inch iron rod with cap stamped "SUMMIT" found for the east corner of same, also lying on the southwest line of S.H. 205 (called 120' R.O.W.), and for the beginning of a curve to the right having;

THENCE along said curve to the right and the southwest line of said S.H. 205, a radius of 5600.18 feet, a central angle of 15 degrees 02 minutes 36 seconds, an arc length of 1470.35 feet, a chord bearing of South 52 degrees 48 minutes 15 seconds East, a distance of 1466.13 feet to 5/8 inch iron rod with cap stamped "TNP" set for corner from which a 1/2 inch iron rod with cap stamped "OWENS R.P.L.S. 5387" found bears North 50 degrees 15 minutes 21 seconds East, 1.36 feet;

THENCE South 45 degrees 16 minutes 58 seconds East, continuing along the southwest line of said S.H. 205, a distance of 889.83 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the east corner of said McLendon Chisholm Commercial Holdings tract, same being the north corner of a tract of land to Chisholm Cemetery Foundation tract as recorded in Volume 106, Page 982 of the Deed Records of Rockwall County, Texas, from which a 1/2 inch iron rod found bears North 58 degrees 13 minutes 46 seconds East, 1.79 feet;

THENCE South 43 degrees 52 minutes 14 seconds West, along the common line of said McLendon Chisholm Commercial Holdings tract and said Chisholm Cemetery Foundation tract, a distance of 500.06 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the most southerly southeast corner of said Chisholm Cemetery Foundation tract same being the east corner of Chisholm Crossing Phase IV-B as recorded in Cabinet I, Slide 175 of the Plat Records of Rockwall County, Texas, from which a 1/2 inch iron rod with cap stamped "OWENS R.P.L.S. 5387" found bears North 60 degrees 23 minutes 19 seconds East, 2.12 feet;

THENCE along the common line of said Chisholm Cemetery Foundation tract and said Chisholm Crossing Phase IV-B and the aforementioned Chisholm Crossing Phase IV, the following courses and distances:

North 45 degrees 16 minutes 57 seconds West, a distance of 899.84 feet to a 5/8 inch iron rod with cap stamped "TNP" set at the beginning of a curve to the left;

With said curve to the left having a radius of 5100.18 feet, a central angle of 09 degrees 46 minutes 03 seconds, an arc length of 869.46 feet, a chord bearing of North 50 degrees 11 minutes 45 seconds West, a distance of 868.41 feet to a 5/8 inch iron rod found for corner;

South 45 degrees 20 minutes 00 seconds West, a distance of 305.35 feet to 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found at the beginning of a curve to the left also lying on the northeast line of the aforementioned Cattle Barron Drive;

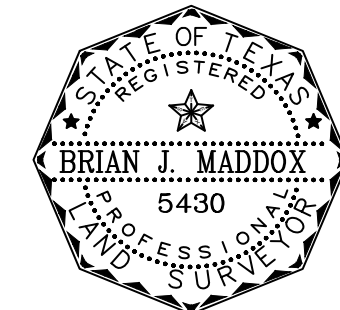
With the northeast line of the aforementioned Cattle Barron Drive and said curve to the left having a radius of 4800.18 feet, a central angle of 04 degrees 37 minutes 11 seconds, an arc length of 387.05 feet, a chord bearing of North 58 degrees 02 minutes 54 seconds West, a distance of 386.94 feet to the POINT OF BEGINNING, containing 1,277,910 square feet, or 29.337 acres of land.

**SURVEYOR'S CERTIFICATE**

To: McLendon Chisholm Commercial Holdings

I, Brian J. Maddox, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this map from an actual on the ground survey of the land, and the monuments shown thereon were found under my personal supervision in accordance with the Surveying Rules and Regulations of the State of Texas. This survey substantially conforms to a Category 1A, Condition II Land Title Survey.

*Brian J. Maddox*  
Brian J. Maddox  
Registered Professional Land Surveyor No. 5430  
Surveyed on the ground November 04, 2020



**LAND TITLE SURVEY OF**  
1,277,910 SQUARE FEET OR 29.337 ACRES

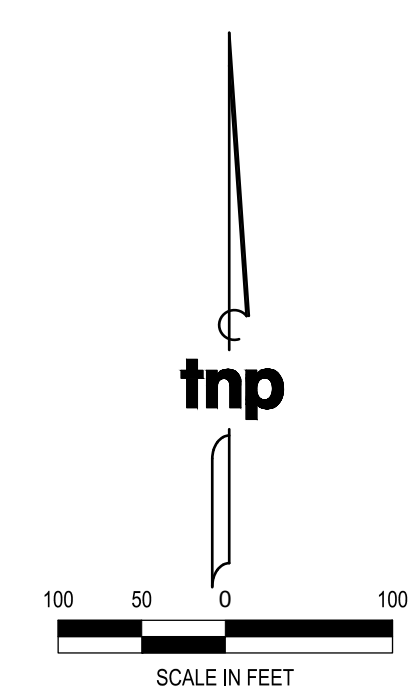
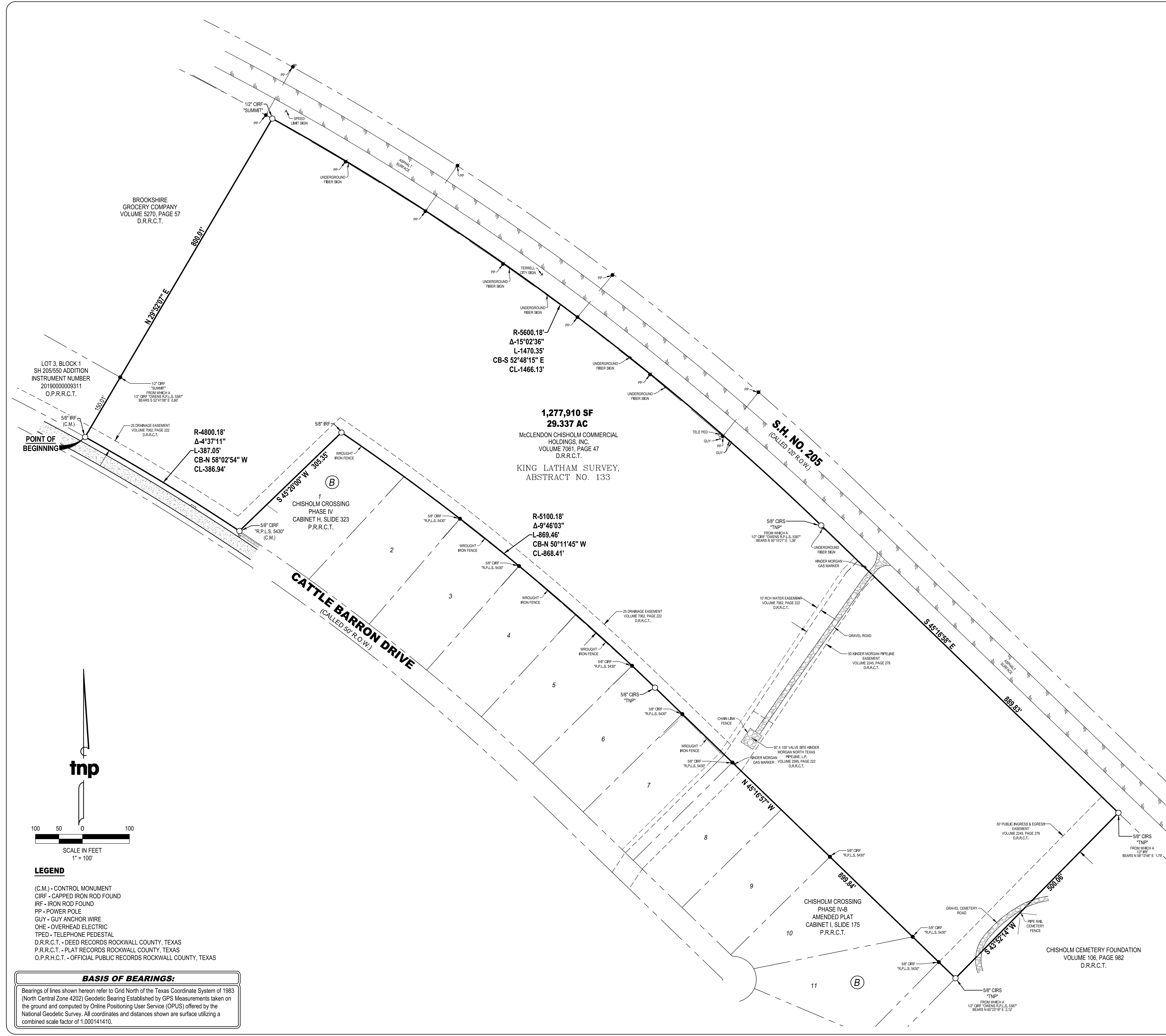
A TRACT OF LAND SITUATED IN THE  
KING LATHAM SURVEY, ABSTRACT NUMBER 133,  
ROCKWALL COUNTY, TEXAS

ALL OF A TRACT OF LAND TO MCLENDON CHISHOLM COMMERCIAL HOLDINGS, INC. AS RECORDED IN  
VOLUME 7061, PAGE 47 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS

**PROJECT INFORMATION**  
Project No.: Whittle Remainder  
Date: November 04, 2020  
Drawn By: JM  
Scale: 1"=100'  
Sheet: 1 of 1



**SURVEYOR**  
TEAGUE NALL AND PERKINS, INC.  
825 Watters Creek Boulevard, Suite M300  
Allen, Texas 75013  
214.461.9897 or 214.461.9864 fx  
TBPLS Registration No. 10194381  
www.tnpsc.com



**LEGEND**

- (C.M.) - CONTROL MONUMENT
- CIRF - CAPPED IRON ROD FOUND
- IRF - IRON ROD FOUND
- PP - POWER POLE
- GUY - GUY ANCHOR WIRE
- OHE - OVERHEAD ELECTRIC
- TPED - TELEPHONE PEDESTAL
- D.R.R.C.T. - DEED RECORDS ROCKWALL COUNTY, TEXAS
- P.R.R.C.T. - PLAT RECORDS ROCKWALL COUNTY, TEXAS
- O.P.R.H.C.T. - OFFICIAL PUBLIC RECORDS ROCKWALL COUNTY, TEXAS

**BASIS OF BEARINGS:**

Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone 4202) Geodetic Bearing Established by GPS Measurements taken on the ground and computed by Online Positioning User Service (OPUS) offered by the National Geodetic Survey. All coordinates and distances shown are surface utilizing a combined scale factor of 1.000141410.



11-2-2015



## Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

### TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

### A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

### A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - o that the owner will accept a price less than the written asking price;
  - o that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - o any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

### TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

_____ Licensed Broker /Broker Firm Name or Primary Assumed Business Name	_____ License No.	_____ Email	_____ Phone
_____ Designated Broker of Firm	_____ License No.	_____ Email	_____ Phone
_____ Licensed Supervisor of Sales Agent/ Associate	_____ License No.	_____ Email	_____ Phone
_____ Sales Agent/Associate's Name	_____ License No.	_____ Email	_____ Phone

\_\_\_\_\_  
Buyer/Tenant/Seller/Landlord Initials

\_\_\_\_\_  
Date

Regulated by the Texas Real Estate Commission

Information available at [www.trec.texas.gov](http://www.trec.texas.gov)

IABS 1-0