

CITY OF ROCKWALL

ORDINANCE NO. 16-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 1 (PD-1) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY AMENDING THE PERMITTED LAND USES TO ALLOW THE *BREWERY AND DISTILLERY (EXCLUDING BREWPUB)* LAND USE FOR A 25.97-ACRE PORTION OF THE ~39.6443-ACRE PLANNED DEVELOPMENT DISTRICT BEING SITUATED WITHIN THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 225 & THE D. ATKINS SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Kasey Weadon of New Craft Brewing, LLC for the approval of an amendment to Planned Development District 1 (PD-1) and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall for the purpose of incorporating the Brewery and Distillery (Excluding Brewpub) land use for a 29.97-acre portion of the ~39.6443-acre planned development district, being situated within the B. J. T. Lewis Survey, Abstract No. 225 & the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 1 (PD-1) [Ordinance No.'s 72-02, 83-21, 02-49 & 12-03] and the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

Section 1. That the approval of this ordinance shall supersede all requirements stipulated in Ordinance No.'s 72-02, 83-21, 02-49 & 12-03;

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 3. That development of the *Subject Property* shall generally be in accordance with the *Location Map/Area Concept Plan*, described in *Exhibit 'A'* of this ordinance, attached hereto and

incorporated herein by reference as *Exhibit 'A'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

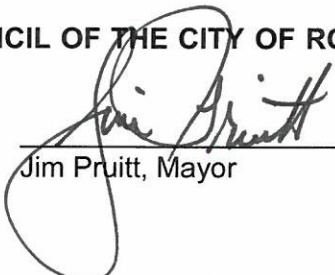
Section 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;


Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 21st DAY OF NOVEMBER, 2016.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 11-07-2016

2nd Reading: 11-21-2016

Exhibit 'A':
Legal Description

BEING an approximate 39.6443-acre tract of land situated in the Eastridge Center Addition, O'Reilly Addition, and Rockwall Commons Addition, as recorded in the County of Rockwall, Texas and being more particularly described as follows:

BEGINNING at a point in the south right of way line of State Highway 205 (*S. Goliad Street*) and the most northeastern corner of the Eastridge Center Addition (*Plat Dated June 27, 1977*), said point being the *POINT OF BEGINNING*;

THENCE S.85°55'54"E., a distance of 122.63-feet to a point in the right of way of State Highway 205 (*S. Goliad Street*);

THENCE S.42°16'51"E., a distance of 562.88-feet;

THENCE S.50°16'49"E., a distance of 45.96-feet for a corner;

THENCE S.17°37'07"W., a distance of 574.34-feet along the centerline of the Dallas, Garland and Northeastern Railroad;

THENCE continue southerly along said line, a distance of 902.87-feet;

THENCE S.17°45'42"W., a distance of 1,008.68-feet for a corner;

THENCE N.73°24'37"W., a distance of 57.97-feet;

THENCE N.71°22'39"W., a distance of 378.33-feet;

THENCE N.71°58'06"W., a distance of 42.15-feet for a corner;

THENCE N.11°18'18"E., a distance of 736.84-feet;

THENCE N.10°53'56"E., a distance of 85.39-feet;

THENCE N.11°21'07"E., a distance of 223.50-feet;

THENCE N.10°54'10"E., a distance of 790.62-feet;

THENCE N.07°16'40"E., a distance of 181.57-feet;

THENCE N.04°08'39"E., a distance of 60.22-feet;

THENCE N.04°08'38"E., a distance of 387.24-feet;

THENCE N.04°21'49"E., a distance of 274.21-feet for a corner;

THENCE S.83°09'43"E., a distance of 244.04-feet to the *POINT OF BEGINNING*.

Containing 1,726,906.82 square-feet or 39.6443-acres, more or less.

Exhibit 'A':
Survey

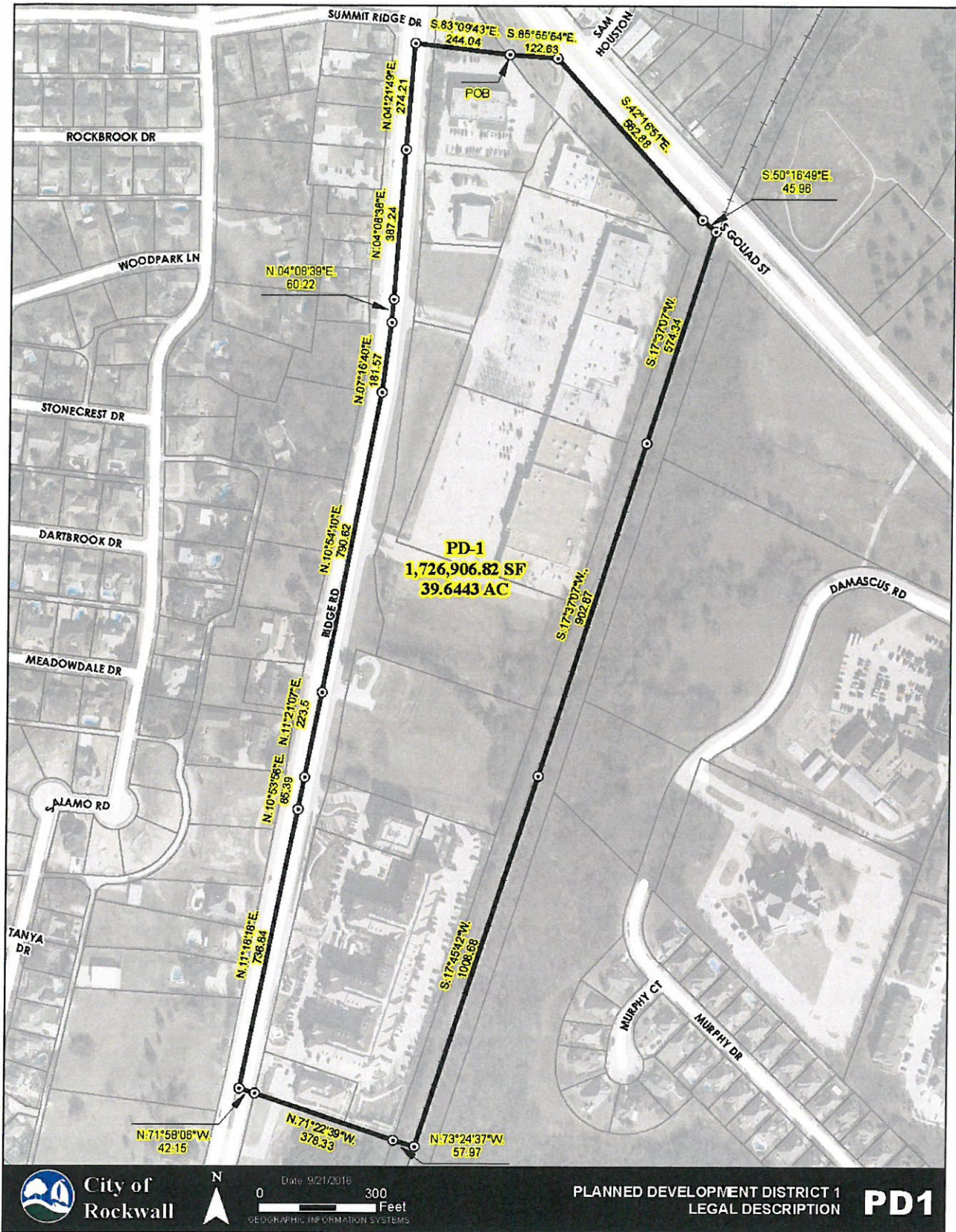


Exhibit 'A':
Location Map/Area Concept Plan

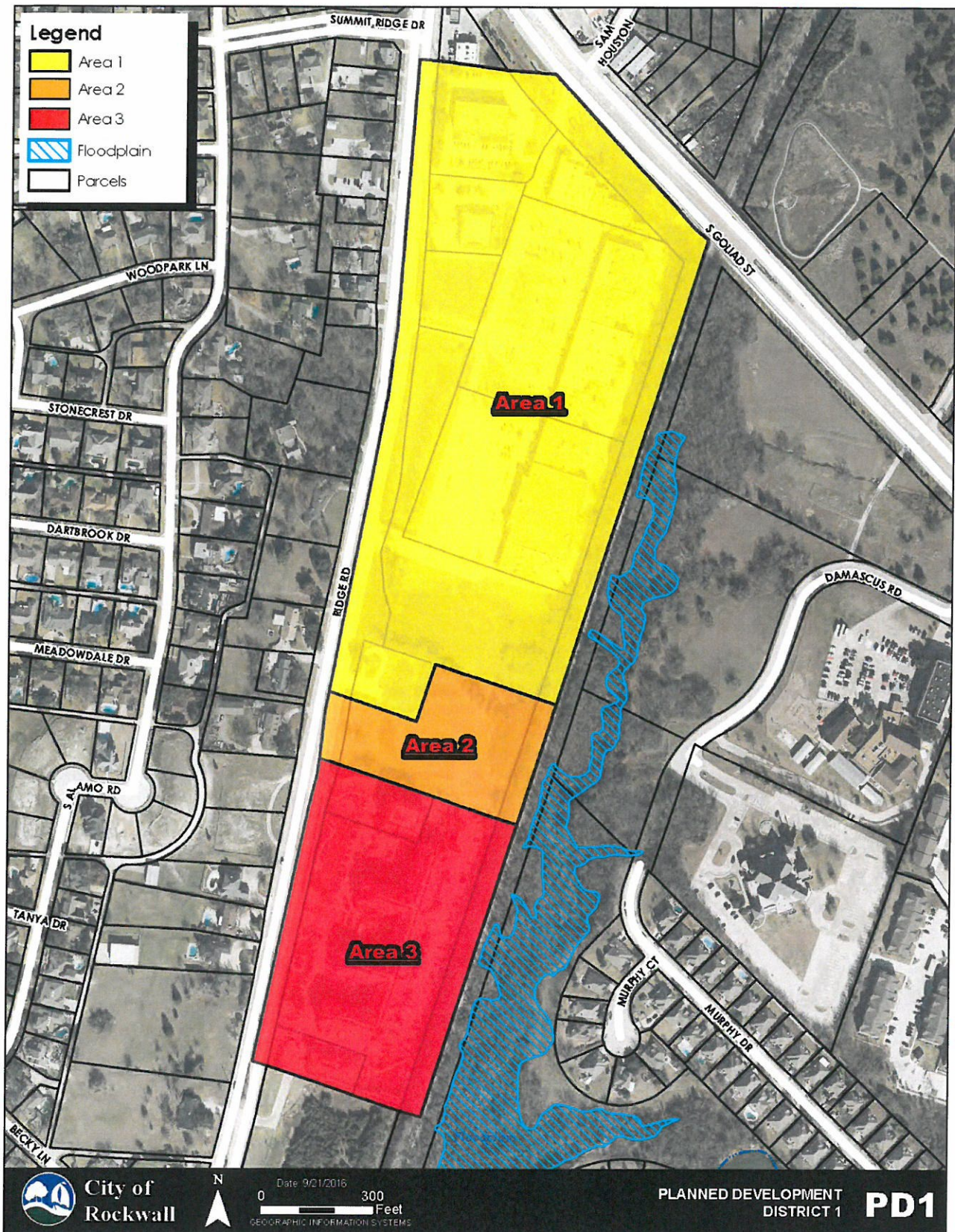


Exhibit 'B':
PD Development Standards

Purpose.

The purpose of this amendment to Planned Development District 1 (PD-1) is to consolidate *Ordinance No.'s 72-02, 83-21, 02-49 & 12-03*; however, this ordinance does not change the intent, restrictions or land uses established in any previous ordinance with the exception of adding the *Brewery or Distillery (Excluding Brew Pub)* land use to *Area 1* as depicted in *Exhibit 'A'* of this ordinance.

Area 1 [Ordinance No. 72-02].

1. *Permitted Uses.* *Area 1* as depicted in *Exhibit 'A'* of this ordinance shall be subject to the land uses permitted in the General Retail (GR) District and Multi-Family 14 (MF-14) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional uses being permitted *by-right*:

☒ General/Medical Office

In addition, the following additional uses being permitted by Specific Use Permit (SUP):

☒ Brewery or Distillery (*Excluding Brew Pub*)

2. *Density and Dimensional Requirements.* The development of *Area 1* as depicted in *Exhibit 'A'* of this ordinance shall be subject to the development standards stipulated for properties within a General Retail (GR) and Multi-Family 14 (MF-14) Districts as required by Section 3.9, *Multi-Family 14 (MF-14) District*, and Section 4.4, *General Retail (GR) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.

Area 2 [Ordinance No. 12-03].

1. *Permitted Uses.* *Area 2* as depicted in *Exhibit 'A'* of this ordinance shall be subject to the land uses permitted in the General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional uses being permitted *by-right*:

☒ General/Medical Office

☒ Urban Residential Housing (*as Defined by the Unified Development Code [Ordinance No. 04-38]*)

2. *Density and Dimensional Requirements.* The development of *Area 2* as depicted in *Exhibit 'A'* of this ordinance shall be in accordance with the *PD Concept Plan* contained in *Exhibit 'C'* of this ordinance, and with the Mixed Use Overlay (MUO) District standards stipulated by Section 6.5, *Mixed Use Overlay (MUO) District*, of the Unified Development Code [*Ordinance No. 04-38*]. In addition, *Area 2* shall be subject to the following additional requirements:

(a) A maximum of 140 urban residential units shall be allowed.

Exhibit 'B':
PD Development Standards

- (b) The average dwelling unit size shall not be less than 980 square feet.
 - (c) The development must contain a minimum of 12,000 square feet of non-residential space.
 - (d) The overall height may not exceed 65-feet as measured to the midpoint of the sloped roof from the average grade along the front of the building, and as depicted on the *Section Through Center of Site* drawing attached hereto as *Exhibit 'C'*.
 - (e) A minimum of 20% open space shall be provided, and the open space shall be developed to the extent reflected on the Concept Plan. A pool for the use of the residents shall be provided.
 - (f) The interiors of all residential units shall include higher grade finish-out materials such as granite or other comparable counter tops, durable high quality flooring, and stainless steel and other high end appliances.
3. *Procedure.* The procedure for submittals associated with the development of *Area 2* shall be as follows:
- (a) Submittal and approval of a detailed *PD Site Plan*, for review and approval by the Architectural Review Board (ARB) and Planning and Zoning Commission.
 - (b) Submittal and approval of a final plat.

Area 3 [Ordinance No. 02-49].

1. *Permitted Uses.* *Area 3* as depicted in *Exhibit 'A'* of this ordinance shall be subject to the land uses permitted in the General Retail (GR) District and Multi-Family 14 (MF-14) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional uses being permitted *by-right*:
- ☒ Townhomes
 - ☒ General/Medical Office
 - ☒ Multifamily (*with a Maximum Density of 15 Dwelling Units/Acre*)
2. *Density and Dimensional Requirements.* The development of *Area 3* as depicted in *Exhibit 'A'* of this ordinance shall in accordance with the *PD Concept Plan* contained in *Exhibit 'D'* of this ordinance. In addition, *Area 3* shall be subject to the following additional requirements:
- (a) *Residential.* Residential uses shall be governed by the following standards:
 - (i) Residential uses must be integrated with retail and/or office uses in terms of site planning. The separate uses must not be perceived or discrete developments.
 - (ii) The development may not exceed four (4) square feet of residential use for at least one (1) square foot of non-residential use (unless approved as part of this PD) for each phase of the development.

Exhibit 'B':
PD Development Standards

- (b) *Open Space.* A minimum of 20% of the site shall be devoted to open space. This requirement may be satisfied by either public or by a combination of public and private open space. Open space shall be satisfied with each phase of development, or the developer must execute a reservation of open space in a form that will assure the City that such open space will be provided.
 - (c) *Height.* The development should average two (2) to three (3) stories in height, but not exceed three (3) stories unless otherwise approved as part of this PD. If adjacent to single family zoned areas, this height should taper down to two (2) stories if the development is close to the property line.
 - (d) *Enhancements.*
 - (i) Pedestrian areas shall be enhanced with trees, decorative paving and pedestrian-level lighting.
 - (ii) Public and private open space shall be developed to the extent reflected in the plan.
 - (e) *Parking.* Parking shall meet the following standards:
 - (i) Parking required for a building shall primarily be located behind the building. On-street parking may be allowed to partially meet the required parking for a building or use.
 - (ii) A majority of parking shall be structured or decked to minimize the amount of land given over to parking.
 - (iii) Site access and non-residential use parking shall be shared between non-residential uses.
 - (iv) The minimum amount of required parking may be 10% below the City's standard requirement.
 - (v) The minimum amount of parking may be further reduced where parking is shared by multiple uses and is justified by the applicant.
 - (f) *Amenities.* A pool for the use of the residents will be provided.
 - (g) *Traffic.* A facilities agreement will be required to address traffic improvements as called for in the traffic engineer's recommendations.
 - (h) *Phasing.* If constructed in phases, no phase shall exceed the allowed ratio of 4 square feet of residential to 1 square foot of non-residential uses.
3. *Procedure.* A *PD Site Plan* is mandatory and is the final step of the *PD Development* process. The purposes of a *PD Site Plan* is to assure that the development of individual building lots, parcels, or tracts within the *PD District* are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the *PD District* are met for each such lot, parcel or tract. Following approval by the City Council a *PD Site Plan* shall continue to be valid for a period of three years. However, the Council may extend the three (3) year time period following a recommendation of said extension from the Planning and Zoning Commission.

Exhibit 'B':
PD Development Standards

The Site Plan shall be accompanied by building elevations and landscape and master sign plans, which shall be reviewed by the Architectural Review Board (ARB) for consistency with the overall objectives of the district. The Board's recommendation shall be forwarded to the Planning & Zoning Commission for consideration in their recommendation to City Council.

A PD Site Plan shall terminate at the end of such three (3) year period (or extended period if approved by the City Council) unless, within such period, a preliminary plat has been filed with the City for the entire land covered by the PD Site Plan. In which case, the Site Plan will remain valid as long as there is an approved plat for the property. If a PD Site Plan terminates, development of the land covered by the terminated plan cannot occur until a new PD Site Plan has been approved for the land as provided by this Ordinance.

Exhibit 'C':
Area 2 Concept Building Elevation [Ordinance No. 12-03]

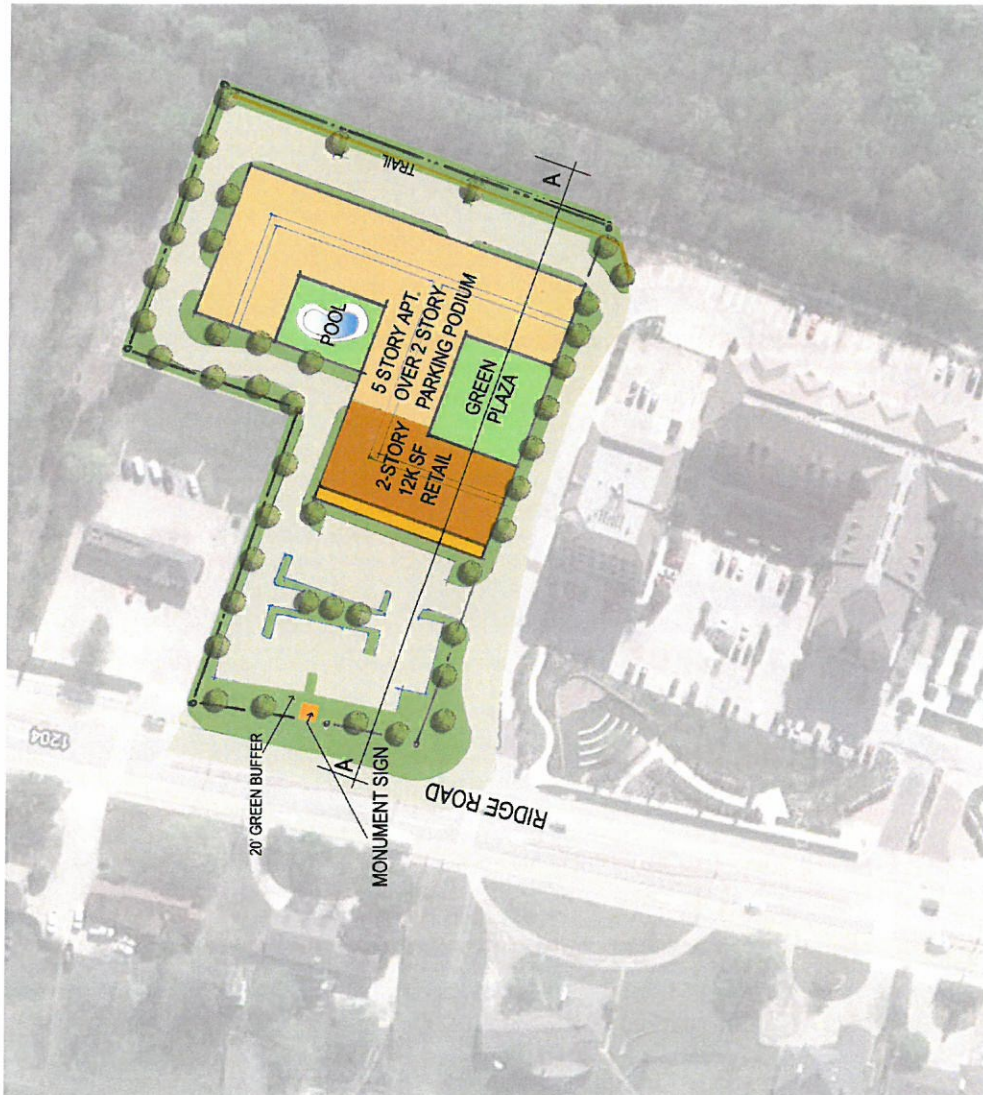
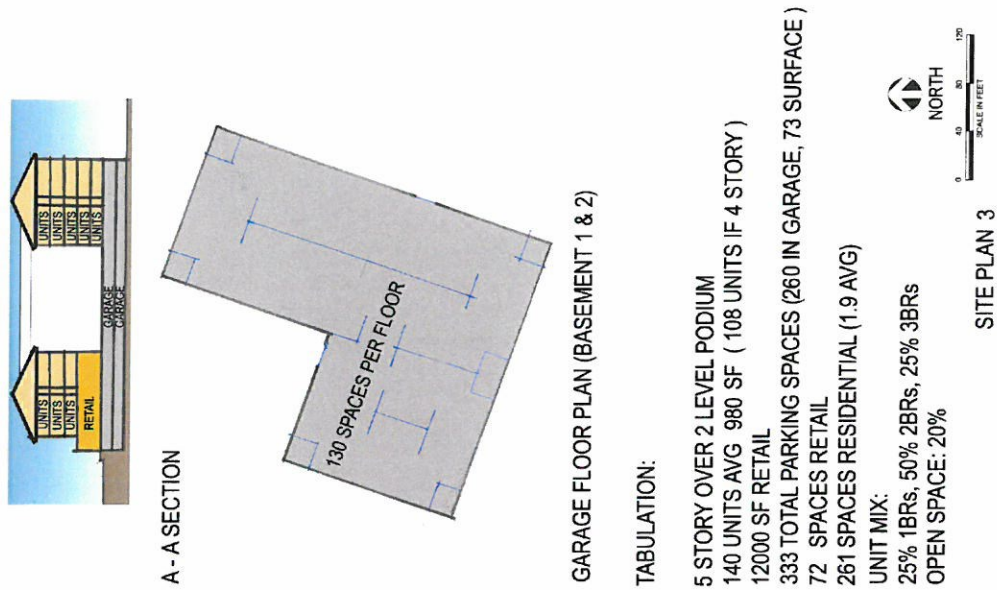


Exhibit 'C':
Area 2 Concept Building Elevation [Ordinance No. 12-03]



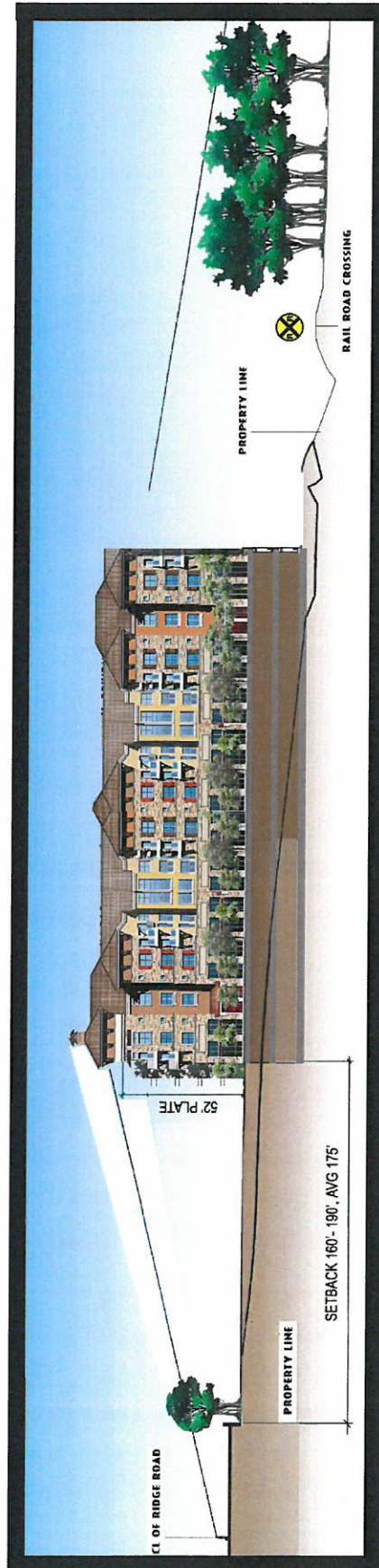
CHARACTER ELEVATION (WEST)

Exhibit 'C':
Area 2 Building Height Comparison [Ordinance No. 12-03]



HEIGHT COMPARISON WITH OFFICE

Exhibit 'C':
Area 2 Line of Sight Study [Ordinance No. 12-03]



SECTION THROUGH CENTER OF SITE

Exhibit 'D':
Area 3 Concept Plan [Ordinance No. 02-49]

