CITY OF ROCKWALL

ORDINANCE NO. 17-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 7 (PD-7) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 0.30-ACRE PORTION OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) INTO PLANNED DEVELOPMENT DISTRICT 7 (PD-7), AND GRANT A CHANGE IN ZONING FOR THE PURPOSE OF AMENDING ORDINANCE NO. 73-47, 82-36 & 87-11, BEING A 28.44-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF LOT 7 AND ALL OF LOTS 3, 4 & 5, BLOCK A, THE HARBOR-ROCKWALL ADDITION. 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 Maria Bonilla of Winkelmann & Associations on behalf of the owner Jim Ziggler of PegasusAblon for the approval of an amendment to Planned Development District 7 (PD-7) for the purpose of incorporating a 0.30-acre portion of land currently zoned Planned Development District 32 (PD-32) into Planned Development District 7 (PD-7) and amending *Ordinance No.'s* 73-47, 82-36 & 87-11, being a 28.44-acre tract of land identified as a 0.30-acre portion Lot 7 and all of Lots 3, 4 & 5, Block A, the Harbor-Rockwall Addition, 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 7 (PD-7) [Ordinance No.'s 73-47, 82-36 & 87-11] 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* 73-47, 82-36 & 87-11;

Section 2. That the *Subject Property* shall be developed and 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 *PD Development Standards*, described in *Exhibit* 'C' of this ordinance, attached hereto and incorporated herein by reference as *Exhibit* 'C', which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. 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 5. 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 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 6. 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 7. 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/ROC	KWALL,	TEXAS,
THIS THE 6 TH DAY OF MARCH, 2017.		A	X I		

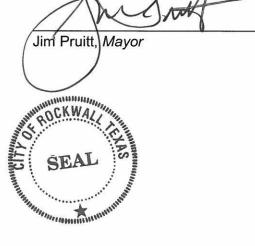
ATTEST

Kristy Cole, City Secretary

APPROVED AS TO FORM: rank J. Garza, City Attorney

1st Reading: <u>2-20-17</u>

2nd Reading: <u>3-06-17</u>



Legal Description

BEING an approximate 28.426-acre tract of land situated in the *The Harbor - Rockwall 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 Summer Lee Diver and the northern most corner of the Signal Ridge Phase 1 Addition (NAD83, State Plane Coordinates, North Central Texas Zone 4202, N 7011675.79489, E 2588852.5848), said point being the *POINT OF BEGINNING*;

THENCE N.45°47'40"E., a distance of 38.13 feet to a point in the center of Summer Lee Drive;

THENCE N.46°20'07"W., a distance of 122.56 feet to the point of curve of a non-tangent curve to the right, of which the radius point lies N.41°25'48"E., a radial distance of 750.06 feet;

THENCE northerly along the arc, through a central angle of 98°01'21", a distance of 1,283.21 feet;

THENCE N.46°16'07"E., a distance of 427.09 feet; THENCE N.54°11'40"W., a distance of 33.69 feet; THENCE N.44°49'24"W., a distance of 120.37 feet; THENCE N.45°30'58"W., a distance of 88.12 feet; THENCE N.45°30'59"W., a distance of 9.98 feet; THENCE S.47°07'33"W., a distance of 28.04 feet; THENCE S.47°07'32"W., a distance of 28.41 feet; THENCE S.47°07'33"W., a distance of 19.73 feet; THENCE S.53°29'07"W., a distance of 12.42 feet; THENCE S.53°28'50"W., a distance of 0.35 feet; THENCE S.53°29'08"W., a distance of 27.65 feet; THENCE S.51°37'56"W., a distance of 40.58 feet; THENCE N.89°03'25"W., a distance of 49.53 feet;

THENCE continue westerly along northern parcel line, Lot 5 of The Harbor Rockwall Addition, a distance of 135.00 feet;

THENCE S.71°33'50"W., a distance of 5.49 feet; THENCE N.22°05'15"E., a distance of 32.32 feet; THENCE N.62°42'00"W., a distance of 30.28 feet: THENCE N.22°08'08"E., a distance of 27.65 feet; THENCE N.67°01'29"W., a distance of 102.30 feet; THENCE S.23°31'05"W., a distance of 102.24 feet: THENCE N.85°54'51"W., a distance of 12.18 feet; THENCE S.71°52'41"W., a distance of 25.12 feet; THENCE S.33°18'38"W., a distance of 5.52 feet; THENCE N.84°59'27"W., a distance of 1.42 feet; THENCE S.70°10'05"W., a distance of 24.56 feet; THENCE S.35°56'32"W., a distance of 18.71 feet; THENCE N.43°41'21"W., a distance of 53.11 feet; THENCE S.70°37'33"W., a distance of 47.15 feet; THENCE S.76°11'06"W., a distance of 35.34 feet: THENCE S.51°10'10"W., a distance of 9.91 feet; THENCE S.51°10'15"W., a distance of 19.70 feet; THENCE S.76°39'04"W., a distance of 34.12 feet; THENCE S.68°43'23"W., a distance of 114.46 feet; THENCE S.63°41'36"W., a distance of 18.23 feet; THENCE S.55°55'46"W., a distance of 27.30 feet; THENCE S.59°12'14"W., a distance of 122.84 feet; THENCE S.07°46'25"W., a distance of 145.14 feet; THENCE S.06°17'19"E., a distance of 69.87 feet;

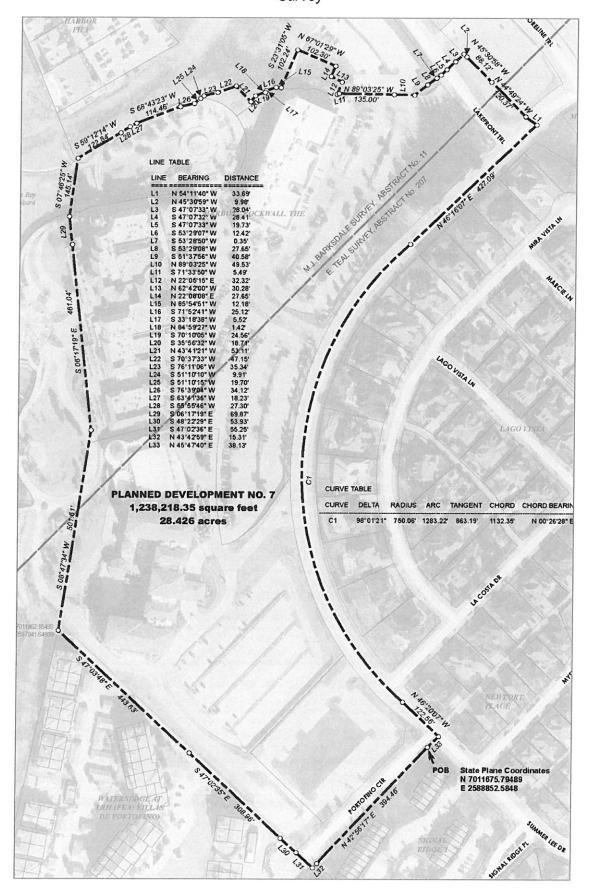
Legal Description

THENCE continuing southerly along Lake Ray Hubbard take line, a distance of 461.04 feet;

THENCE S.08°47'34"W., a distance of 501.61 feet; THENCE S.47°03'48"E., a distance of 443.63 feet; THENCE S.47°02'35"E., a distance of 308.96 feet; THENCE S.48°22'29"E., a distance of 53.93 feet; THENCE S.47°02'36"E., a distance of 55.25 feet; THENCE N.43°42'59"E., a distance of 15.31 feet;

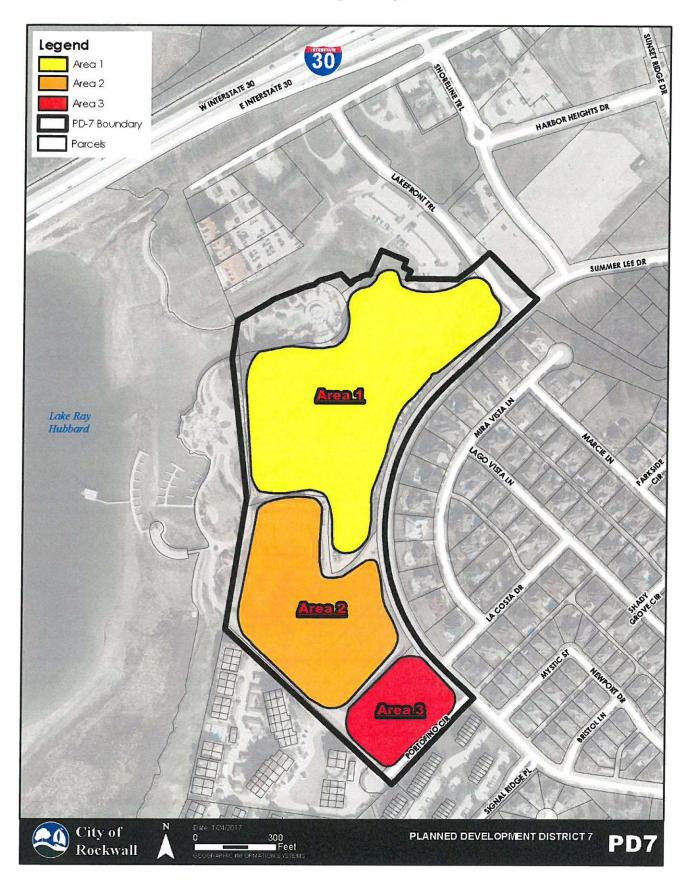
THENCE N.42°56'17"E., a distance of 394.46 feet to the POINT OF BEGINNING. Containing 1,238,218.35 square feet or 28.426 acres, more or less.

Exhibit 'A': Survey



Z2017-003: Amendment to PD-7 Ordinance No. 17-11; PD-7

Exhibit 'B': Location Map/Concept Plan



Z2017-003: Amendment to PD-7 Ordinance No. 17-11; PD-7

Exhibit 'C': PD Development Standards

PD Development Standards.

(A) <u>Purpose and Intent of the Planned Development District.</u>

The purpose of Planned Development District 7 (PD-7) is to create a vibrant retail center consisting of unique entertainment, dining and retail land uses that are complementary and accessible to a resort style hotel, public lakefront, and the *Harbor Fountain*. This district is also intended to be an extension of the City's efforts to create a pedestrianoriented mixed-use district (*i.e. Planned Development District 32 [PD-32]*) and a scenic eastern gateway into the City.

(B) <u>Procedures.</u>

- (1) <u>PD Development Plans.</u> For Areas 1, 2 & 3 all new development, development that represents a substantial change to existing buildings, and/or development that deviates from the site plan and building elevations contained in *Exhibits 'D' & 'E'* of this ordinance shall be subject to the approval of a PD Development Plan in accordance to the procedures established in Article X, *Planned Development Regulations*, of the Unified Development Code (UDC). The purpose of this PD Development Plan review is to allow the Planning and Zoning Commission and City Council to ensure the following:
 - (a) The proposed development meets the general intent of Planned Development District 7 (PD-7) as stated above; and,
 - (b) Will result in an improved project, which will be an attractive contribution to Planned Development District 7 (PD-7); and,
 - (c) Will not have a negative impact on adjacent properties or inhibit adjacent properties from meeting the requirements and intent of this Planned Development District.

To ensure that a proposed project meets these guidelines a concept plan, landscape plan and building elevations will be required to be submitted and reviewed by staff and the Planning and Zoning Commission. Upon recommendation by the Planning and Zoning Commission, the City Council shall review the proposed request and approve or deny the application based on the above criteria. In approving a PD Development Plan, the Planning and Zoning Commission may recommend and the City Council may impose conditions necessary to mitigate any identified negative impacts to adjacent properties, public streets and/or open spaces in order to safeguard the intent of Planned Development District 7 (PD-7).

(C) <u>Area 1: Lots 5 & 0.30-Acres of Lot 7, Block A, the Harbor-Rockwall Addition (i.e. the</u> <u>Harbor Retail) [~12.9747-Acres].</u>

(1) <u>Permitted Uses.</u> Area 1 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted in the General Retail (GR) District as stipulated by Article IV, Permissible Uses, and 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, with the following additions:

PD Development Standards

Permitted By-Right. The following uses are permitted by-right:

Restaurants w/ Outdoor Seating (Must Conform with Resolution No. 11-25)

- ☑ Full Service Hotel
- ☑ Brew Pub³
- ☑ Theater
- ☑ Winery¹

Specific Uses. The following uses shall be permitted by Specific Use Permit:

- Marina
- ☑ Church/House of Worship¹
- ☑ College, University or Seminary
- ☑ Public/Private School (Primary or Secondary)¹
- ☑ Carnival, Circus or Amusement (Temporary)¹
- ☑ Banquet Facility or Event Hall²
- Business School
- ☑ Satellite Dish¹
- ☑ Antenna (Accessory or Dish)¹
- ☑ Incidental Display¹

Prohibited Uses. The following uses shall be prohibited:

- ☑ Motel
- ☑ Residence Hotel
- Residential Care Facility
- ☑ Assisted Living Facility
- Blood Plasma Doner Center
- ☑ Cemetery/Mausoleum
- ☑ Convalescent Care Facility/Nursing Home
- ☑ Congregate Care Facility/Elderly Housing
- ☑ Day Care
- Emergency Ambulance Services
- ☑ Group or Community Home
- ☑ Hospice
- ☑ Hospital
- Mortuary or Funeral Chapel
- ☑ Post Office, Local Service
- ☑ Public or Private School Temporary Education Building
- Social Service Provider
- ☑ Indoor Gun Club, Skeet or Target Range
- Astrologer, Hypnotist, or Psychic Art and Science
- Christmas Tree Sales Lot and Similar Uses (Temporary)
- Garden Supply/Plant Nursery
- Retail Store with Gasoline Product Sales (Any Amount of Dispensers)
- In Trade School
- ☑ Automotive Repair Garage (Minor)
- ☑ Car Wash (Self Service or Auto Detail)
- ☑ Service Station
- Mining and Extractions (Sand, Gravel Oil and Other)
- ☑ Antenna (Amateur Radio)
- ☑ Radio Broadcasting
- Railroad Yard or Shop

Notes:

- ¹: Subject to any additional restrictions stipulated in the Unified Development Code (UDC).
- ²: Requires dedicated parking of one (1) space per 100 SF of building area.
- ³: Brewpubs shall be required to meet the Section 3.5, Alcoholic Beverage Sales, of Article IV, Permissible Uses, of the Unified Development Code (UDC).

PD Development Standards

(2) <u>Density and Dimensional Requirements.</u> All development in Area 1 as depicted in Exhibit 'B' of this ordinance shall generally conform to the approved site plan and building elevations depicted in Exhibit 'D' of this ordinance and be subject to the density and dimensional standards stipulated for properties within a General Retail (GR) District as required by 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.

(D) <u>Area 2: Lot 4, Block A, the Harbor-Rockwall Addition (i.e. Hilton Hotel & Resort) [~8.9244-Acres].</u>

(1) <u>Permitted Uses.</u> Area 2 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted in the General Retail (GR) District as stipulated by Article IV, Permissible Uses, and 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, with the following additions:

Permitted By-Right. The following uses are permitted by-right:

- ☑ Restaurants w/ Outdoor Seating (Must Conform with Resolution No. 11-25)
- Full Service Hotel
- ☑ Conference Center

Specific Uses. The following uses shall be permitted by Specific Use Permit:

- ☑ Marina
- ☑ Church/House of Worship¹
- ☑ College, University or Seminary
- Public/Private School (Primary or Secondary)¹
- Carnival, Circus or Amusement (Temporary)
- Banquet Facility or Event Hall
- Business School
- ☑ Satellite Dish¹
- Antenna (Accessory or Dish)¹
- Incidental Display

Prohibited Uses. The following uses shall be prohibited:

- Ø Motel
- ☑ Residence Hotel
- ☑ Residential Care Facility
- Assisted Living Facility
- ☑ Blood Plasma Doner Center
- ☑ Cemetery/Mausoleum
- ☑ Convalescent Care Facility/Nursing Home
- ☑ Congregate Care Facility/Elderly Housing
- Day Care
- Emergency Ambulance Services
- Group or Community Home
- ☑ Hospice
- ☑ Hospital
- Mortuary or Funeral Chapel
- Dest Office, Local Service
- ☑ Public or Private School Temporary Education Building
- ☑ Social Service Provider
- ☑ Indoor Gun Club, Skeet or Target Range

PD Development Standards

- ☑ Astrologer, Hypnotist, or Psychic Art and Science
- ☑ Christmas Tree Sales Lot and Similar Uses (*Temporary*)
- Garden Supply/Plant Nursery
- Retail Store with Gasoline Product Sales (Any Amount of Dispensers)
- ☑ Trade School
- ☑ Automotive Repair Garage (*Minor*)
- ☑ Car Wash (Self Service or Auto Detail)
- ☑ Service Station
- ☑ Mining and Extractions (Sand, Gravel Oil and Other)
- ☑ Antenna (Amateur Radio)
- Radio Broadcasting
- Railroad Yard or Shop

Notes:

Subject to any additional restrictions stipulated in the Unified Development Code (UDC).

(2) <u>Density and Dimensional Requirements.</u> All development in Area 2 as depicted in Exhibit 'B' of this ordinance shall generally conform to the approved site plan and building elevations depicted in Exhibit 'E' of this ordinance and be subject to the density and dimensional standards stipulated for properties within a General Retail (GR) District as required by 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.

(E) Area 3: Lot 3, Block A, the Harbor-Rockwall Addition [1.861-Acres].

(1) <u>Permitted Uses.</u> Area 3 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted in the General Retail (GR) District as stipulated by Article IV, Permissible Uses, and 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, with the following additions:

<u>Permitted By-Right</u>. The following uses are permitted by-right:

- ☑ Restaurants w/ Outdoor Seating
- ☑ Brew Pub ³
- ☑ Winery¹

Specific Uses. The following uses shall be permitted by Specific Use Permit:

- ☑ Church/House of Worship¹
- ☑ College, University or Seminary
- ☑ Public/Private School (Primary or Secondary)¹
- ☑ Carnival, Circus or Amusement (*Temporary*)¹
- Banquet Facility or Event Hall²
- ☑ Business School
- ☑ Satellite Dish¹
- ☑ Antenna (Accessory or Dish)¹
- ☑ Incidental Display[↑]

Prohibited Uses. The following uses shall be prohibited:

- Motel
- ☑ Residence Hotel
- Residential Care Facility
- Assisted Living Facility
- ☑ Blood Plasma Doner Center

PD Development Standards

- ☑ Cemetery/Mausoleum
- ☑ Convalescent Care Facility/Nursing Home
- ☑ Congregate Care Facility/Elderly Housing
- ☑ Day Care
- Emergency Ambulance Services
- ☑ Group or Community Home
- ☑ Hospice
- ☑ Hospital
- ☑ Mortuary or Funeral Chapel
- ☑ Post Office, Local Service
- ☑ Public or Private School Temporary Education Building
- Social Service Provider
- ☑ Indoor Gun Club, Skeet or Target Range
- ☑ Astrologer, Hypnotist, or Psychic Art and Science
- ☑ Christmas Tree Sales Lot and Similar Uses (Temporary)
- ☑ Garden Supply/Plant Nursery
- ☑ Retail Store with Gasoline Product Sales (Any Amount of Dispensers)
- ☑ Trade School
- ☑ Automotive Repair Garage (*Minor*)
- ☑ Car Wash (Self Service or Auto Detail)
- ☑ Service Station
- Mining and Extractions (Sand, Gravel Oil and Other)
- ☑ Antenna (Amateur Radio)
- ☑ Radio Broadcasting
- Railroad Yard or Shop

Notes:

- ¹: Subject to any additional restrictions stipulated in the Unified Development Code (UDC).
- : Requires dedicated parking of one (1) space per 100 SF of building area.
- *3:* Brewpubs shall be required to meet the Section 3.5, Alcoholic Beverage Sales, of Article IV, Permissible Uses, of the Unified Development Code (UDC).
- (2) <u>Density and Dimensional Requirements.</u> All development in Area 3 as depicted in Exhibit 'B' of this ordinance shall be subject to the density and dimensional standards stipulated for properties within a General Retail (GR) District as required by 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 with the following exception:
 - Maximum Building Footprint. The maximum building footprint for any structure in Area 3 shall be limited to 25,000 SF; however, the total square footage of the building may exceed 25,000 SF (*i.e. total square footage of all floors*).

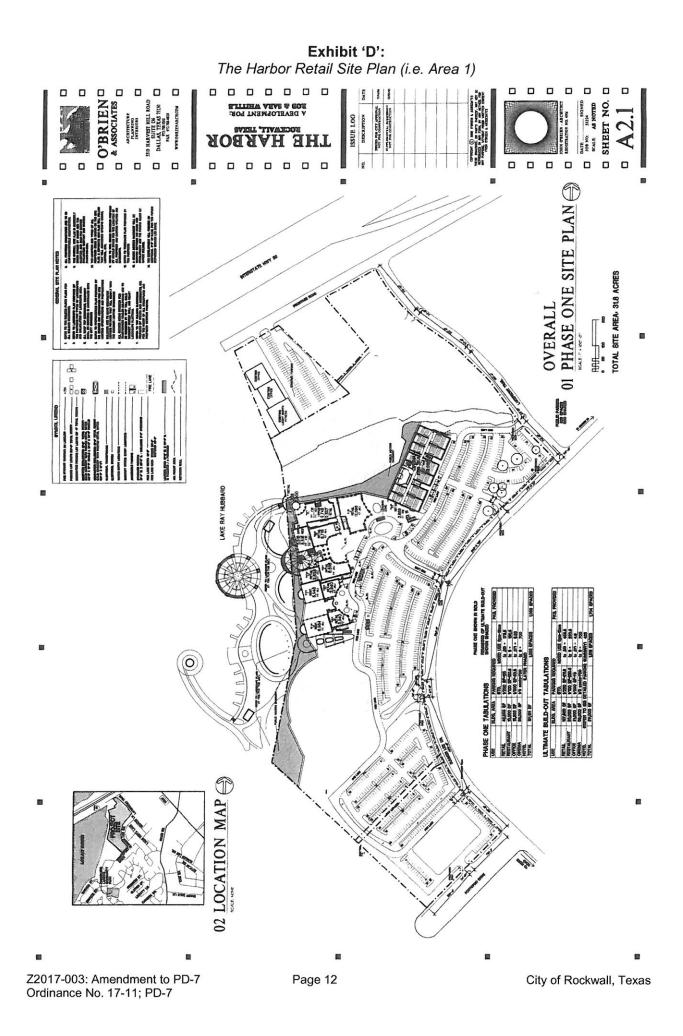


Exhibit 'D': The Harbor Retail Building Elevations (i.e. Area 1)

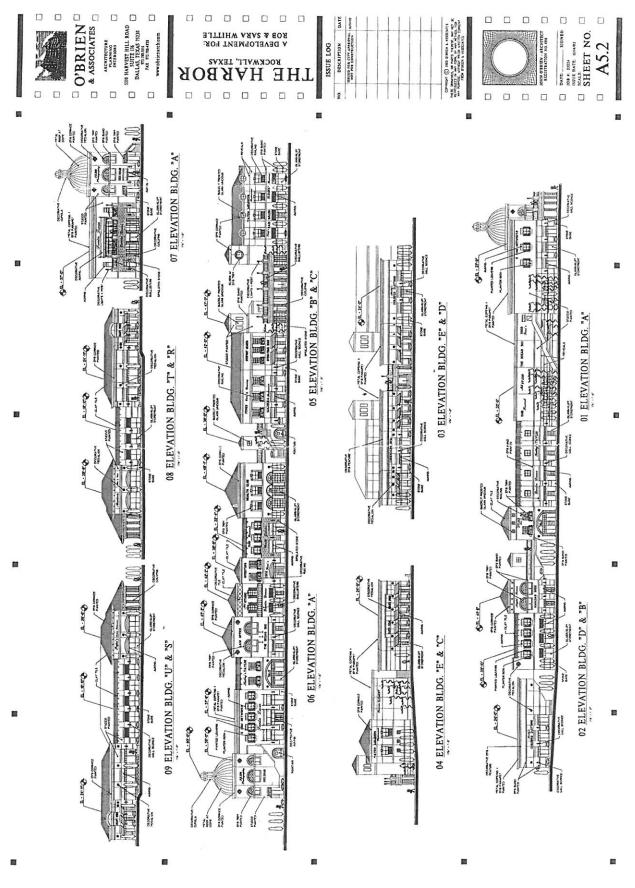
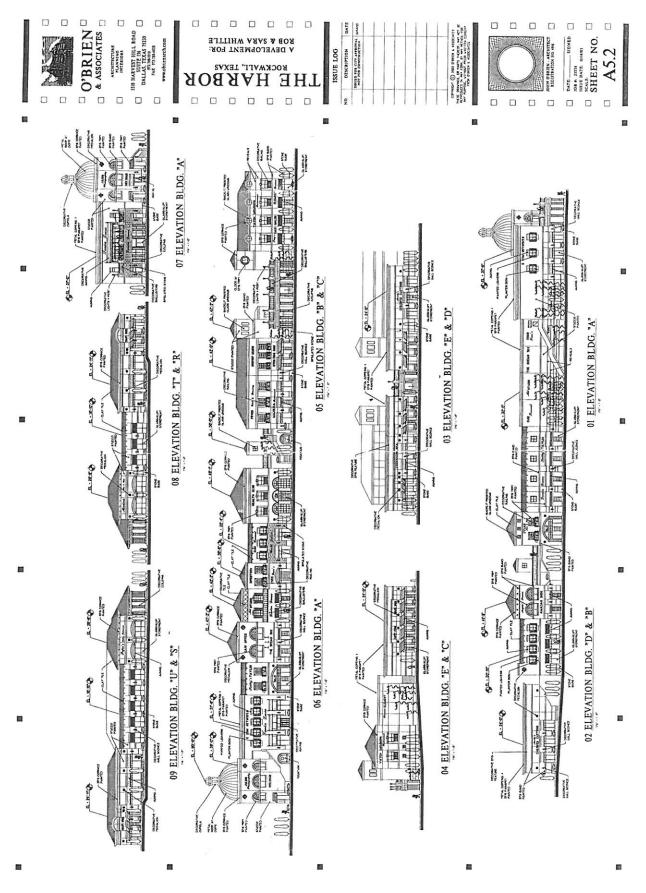


Exhibit 'D': The Harbor Retail Building Elevations (i.e. Area 1)



City of Rockwall, Texas

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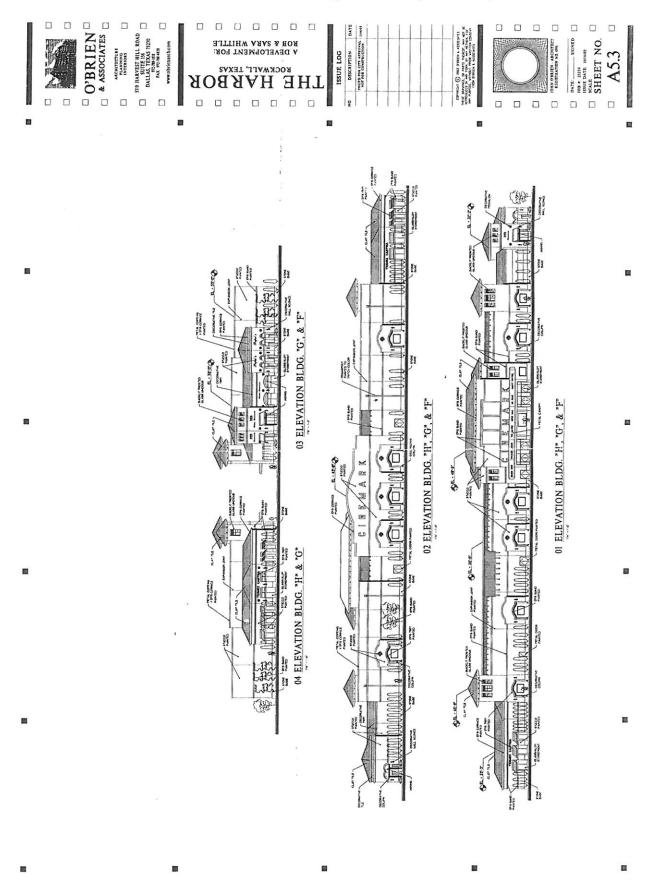
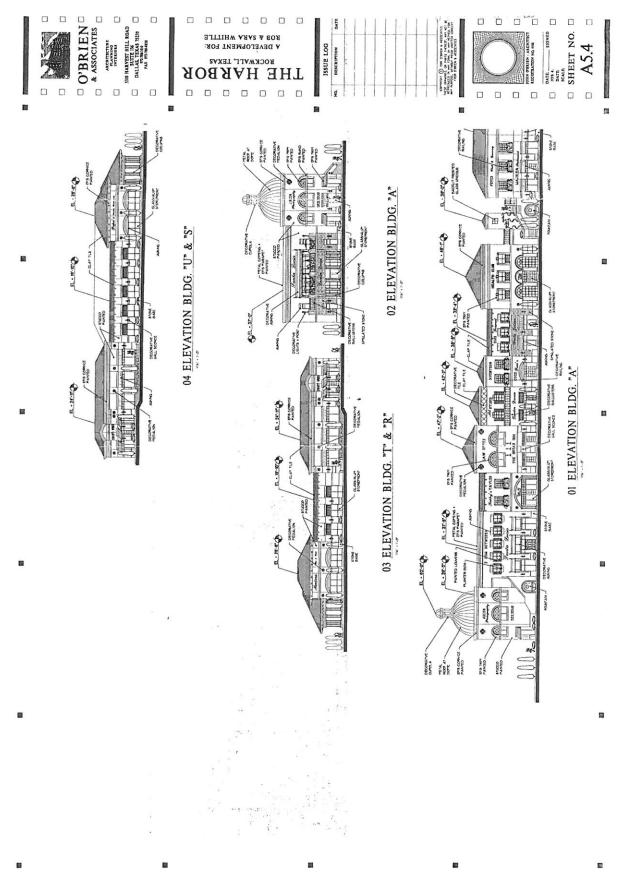


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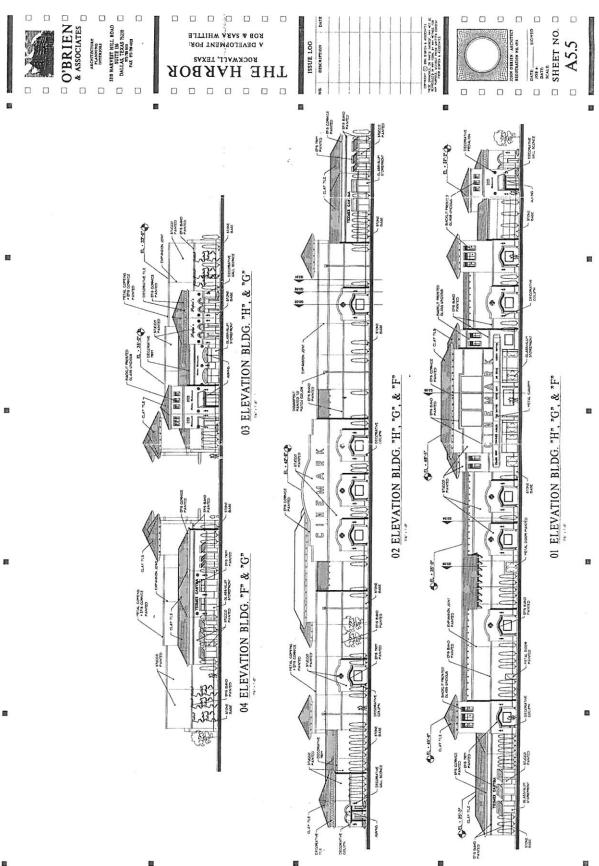


Exhibit 'D': The Harbor Retail Building Elevations (i.e. Area 1)

Z2017-003: Amendment to PD-7 Ordinance No. 17-11; PD-7

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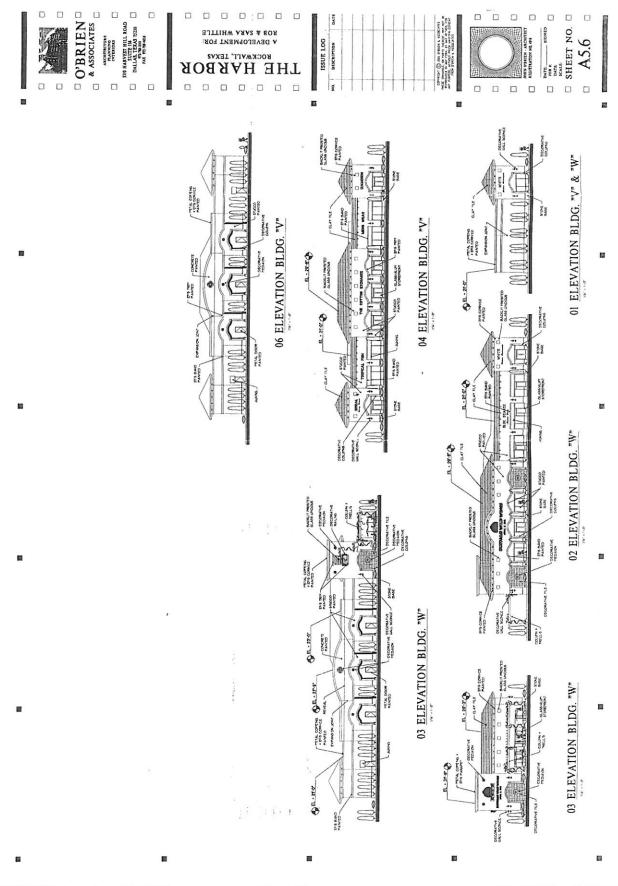


Exhibit 'E': The Hilton Hotel and Resort Site Plan (i.e. Area 2)



Exhibit 'E': The Hilton Hotel and Resort Building Elevations (i.e. Area 2)

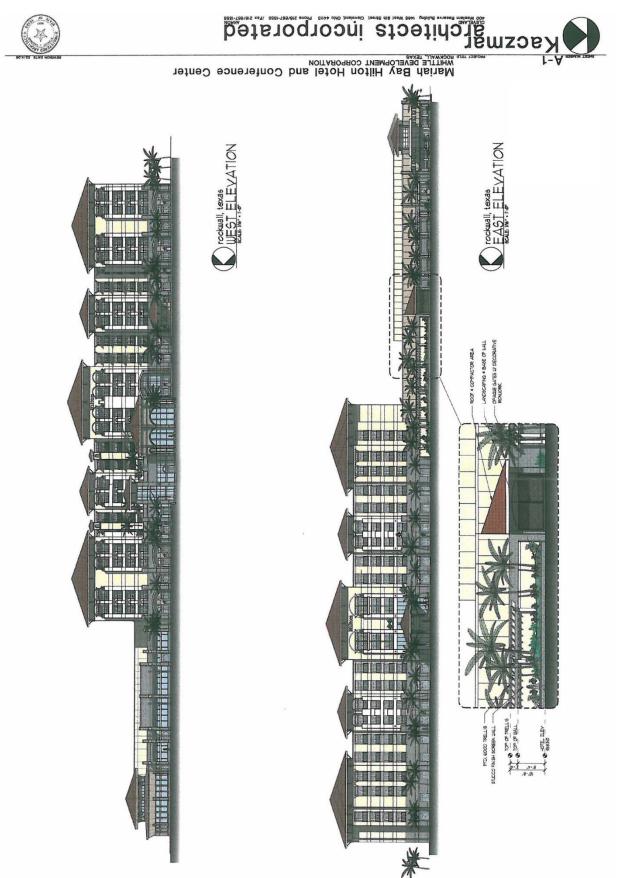


Exhibit 'E': The Hilton Hotel and Resort Building Elevations (i.e. Area 2)

